

# STRATEGIC DEVELOPMENT COMMITTEE

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**Thursday, 6 November 2014 at 7.00 p.m.**  
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG**

**The meeting is open to the public to attend.**

**Members:**

Chair: Councillor Sirajul Islam  
Vice Chair : Councillor Md. Maium Miah  
Councillor Danny Hassell, Councillor Amina Ali, Councillor John Pierce, Councillor Helal Uddin, Councillor Suluk Ahmed, Councillor Muhammad Ansar Mustaqim and Councillor Julia Dockerill

**Deputies:**

Councillor Amy Whitelock Gibbs, Councillor Khaled Uddin Ahmed, Councillor Joshua Peck, Councillor Mahbub Alam, Councillor Gulam Kibria Choudhury, Councillor Harun Miah, Councillor Peter Golds, Councillor Craig Aston and Councillor Chris Chapman

[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Tuesday, 4 November 2014**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Wednesday, 5 November 2014**

**Contact for further enquiries:**

Zoe Folley, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4877  
E-mail: [Zoe.Folley@towerhamlets.gov.uk](mailto:Zoe.Folley@towerhamlets.gov.uk)  
Web: <http://www.towerhamlets.gov.uk/committee>

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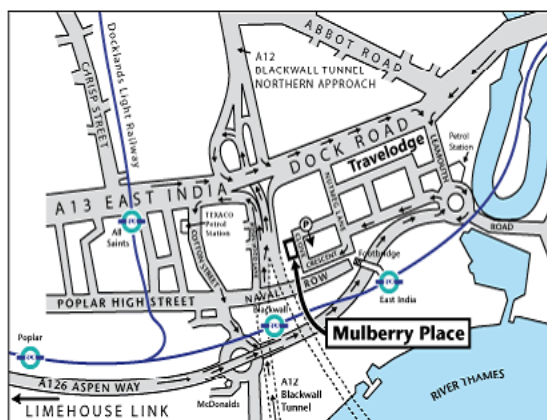
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## **APOLOGIES FOR ABSENCE**

### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)**

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

### **2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 16)**

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 25<sup>th</sup> September 2014.

### **3. RECOMMENDATIONS**

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

### **4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 17 - 18)**

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>5. DEFERRED ITEMS</b>	<b>19 - 20</b>	
<b>5.1 Quay House, 2 Admirals Way, London E14 (PA/14/00990)</b>	<b>21 - 112</b>	<b>Canary Wharf</b>
<p>Proposal:</p> <p>Demolition of the existing building and redevelopment to provide a residential led, mixed use scheme to include a tower of 68 storeys (233 metres AOD) comprising 496 residential units, 315.3 sq.m. (GEA) of flexible commercial uses including retail/financial and professional services/café/restaurant uses (Use Classes A1 to A3), a residents' gymnasium and associated residential amenity space, car and cycle parking and landscaping.</p> <p>Recommendation:</p> <p>To REFUSE planning permission subject to any direction from the Mayor of London.</p>		
<b>6. PLANNING APPLICATIONS FOR DECISION</b>	<b>113 - 114</b>	
<b>6.1 South Quay Plaza, 183-189 Marsh Wall, London, PA/14/00944</b>	<b>115 - 194</b>	<b>Canary Wharf</b>
<p>Proposal:</p> <p>Demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential-led mixed use buildings of up to 68 storeys and up to 36 storeys comprising up to 888 residential (Class C3) units in total, retail (Class A1-A4) space and crèche (Class D1) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.</p> <p>Recommendation:</p> <p>That the Committee resolve to GRANT planning permission subject to, any direction by The London Mayor, the prior completion of a legal agreement, conditions and informatives.</p>		



Proposal

Erection of two buildings of 55 and 50 storeys to provide 756 residential units (Use Class C3) (including 90 Affordable Rent and 42 Affordable Shared Ownership) and ancillary uses, plus 614sqm. ground floor retail uses (Use Classes A1-A4), provision of ancillary amenity space, landscaping, public dockside walkway and pedestrian route, basement parking, servicing and a new vehicular access.

Recommendation:

That the Committee resolve to GRANT planning permission subject to, any direction by The London Mayor, the prior completion of a legal agreement, conditions and informatives.

**Next Meeting of the Strategic Development Committee**

Thursday, 18 December 2014 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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# Agenda Item 1

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

**Further advice**

For further advice please contact:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 25 SEPTEMBER 2014**

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Sirajul Islam (Chair)  
Councillor Danny Hassell  
Councillor Amina Ali  
Councillor John Pierce  
Councillor Helal Uddin  
Councillor Suluk Ahmed  
Councillor Julia Dockerill  
Councillor Harun Miah (Substitute for  
Councillor Md. Maium Miah)  
Councillor Gulam Kibria Choudhury  
(Substitute for Councillor Muhammad  
Ansar Mustaquim)

**Other Councillors Present:**

Councillor Chris Chapman  
Councillor Andrew Wood

**Apologies:**

Councillor Md. Maium Miah and Councillor Muhammad Ansar Mustaquim

**Officers Present:**

Paul Buckenham	(Development Control Manager, Development and Renewal)
Jerry Bell	(Applications Team Leader, Development and Renewal)
Fleur Francis	(Acting Team Leader - Planning, Directorate, Law Probity and Governance)
Jane Jin	(Planning Officer, Development and Renewal)
Iyabo Johnson	(Planning Officer, Development and Renewal)
Robert Lancaster	(Planning Officer, Development and Renewal)
Amy Thompson	(Pre-Applications Team Leader, Development and Renewal)

Zoe Folley

(Committee Officer, Directorate Law,  
Probity and Governance)

The order of business was changed at the meeting as follows. However, for ease of reference, the order of these minutes follow the agenda order.

6.3, Peterley Business Centre, 472 Hackney Road London (PA/13/02722)

6.4, 7 Limeharbour, E14 9NQ (PA/14/00293)

6.1, Quay House, 2 Admirals Way, London E14 (PA/14/00990)

6.2, 1 Park Place, Canary Wharf, London PA/13/02344 (Outline Planning Application) and PA/13/02366 (Listed Building Consent)

## 1. **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

Councillor Sirajul Islam declared an interest in agenda item 6.1, Quay House, 2 Admirals Way, London E14 (PA/14/00990). This was because the Councillor had attended a consultation meeting for the application.

## 2. **MINUTES OF THE PREVIOUS MEETING(S)**

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 14<sup>th</sup> August 2014 be agreed as a correct record and signed by the Chair.

## 3. **RECOMMENDATIONS**

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision



#### **4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE**

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

#### **5. DEFERRED ITEMS**

None.

#### **6. PLANNING APPLICATIONS FOR DECISION**

##### **6.1 Quay House, 2 Admirals Way, London E14 (PA/14/00990)**

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application and the update and the Chair then invited registered speakers to address the Committee.

John Halnam, Philip Binns (Greenwich Conservation Group) and Councillor Andrew Wood spoke in objection to the scheme. The objectors made the following the points:

- Highlighted the importance of the site as a gateway site to surroundings area. The Council now had a unique opportunity to look at the whole of the Admirals Way site and improve the townscape. But this scheme would not achieve this.
- The impact of the proposal on the setting of the Maritime Greenwich World Heritage Site. Should the proposal be resubmitted, additional material should be submitted to supplement the applicant's Heritage and Townscape Visual Assessment Analysis.
- Height of the building in relation to the size of the site. If built, it would be the tallest residential building in the country, but on a very small piece of land.
- Overdevelopment of the area in view of the number of recently approved schemes and applications pending nearby. The cumulative impact of these developments needed to be properly explored.
- The density in excess of the Greater London Authority (GLA) guidance.
- The lack of child play space and nearby play space.
- The lack of car parking spaces.

In response to questions, the speakers commented on the expected increase in population from the many new and proposed developments in the area, including developments at Marsh Wall and South Quay. The impact of this

was a concern. They also commented on the need to maintain views of the General Wolfe Statue and that insufficient consideration had been given to this.

Julian Carter and George Kyriacou spoke in support of the scheme. They pointed to the benefits of the scheme as summarised below:

- The redevelopment of a vacant site. The existing building was no longer fit for purpose.
- The level and quality of the housing, including affordable family housing with separate kitchens.
- That English Heritage and the Greater London Authority had raised no objections.
- The quality of the commercial units which would create new jobs and animate the area.
- The quality of the amenity and child play space, the merits of the public realm improvements.
- The Section 106 Agreement and the generation of 'new homes bonus' money for the Borough.
- The developer's experience in delivering high profile developments.
- The positive impact on the Dockside and quality of the southern elevation.
- That the plans would facilitate the comprehensive redevelopment of the area.

In response to questions about the play space, the speakers considered that the plans catered for each age group, including a range of different types of space. Details of the s106 were in the committee report, pursued as per the normal process. The cumulative impact of other developments and plans in the area had been assessed and overall, the impact of this development would be acceptable. The affordable housing would be genuinely affordable at social target rents and at the Council's agreed rent levels. Comprehensive redevelopment of the area by working with other landowners would be difficult because of the number of stakeholders.

Robert Lancaster (Planning Officer) presented the report explaining the key aspects of the scheme. He explained in detail the reasons for refusal as set out in the Committee report. These were that the scheme would be a clear overdevelopment of the site exhibited by the poor quality public realm in relation to the height of the building; the impact on the South Dock southern quayside; the impact of the frontage on the southern façade; the quality of the child play space and the issues around the legal agreement and delivery of affordable housing. The benefits of the proposal did not outweigh the harm caused by the proposal. Therefore the scheme would fail to be sensitive to

the context of its surroundings or bridge the difference in scale between Canary Wharf and surrounding residential areas.

In response to questions, Officers explained the differences between this scheme and other consented schemes in terms of amenity space, the level of noise disturbance from the DLR amongst other matters. There were many key differences. However, this scheme should be considered on the planning merits. Officers also explained that there had been pre-application discussions with the developers over a period of time to set out these concerns and Officers had maintained a consistent approach.

With the permission of the Chair, the applicant's representative explained the nature of the private gardens that may be used as balconies. Officers expressed concern about the noise impact from the plans.

In relation to the effect on views from the General Woolfe Statue in Greenwich, it was noted that English Heritage had not made objections. Therefore, it would be very difficult to sustain a reason for refusal on this basis.

Attention was also drawn to the GLA letter in the update report.

On a unanimous vote, the Committee **RESOLVED:**

1. That planning permission PA/14/00990 at Quay House, 2 Admirals Way, London E14 for the demolition of the existing building and redevelopment to provide a residential led, mixed use scheme to include a tower of 68 storeys (233 metres AOD) comprising 496 residential units, 315.3 sq.m. (GEA) of flexible commercial uses including retail/financial and professional services/café/restaurant uses (Use Classes A1 to A3), a residents' gymnasium and associated residential amenity space, car and cycle parking and landscaping be **DEFERRED** to enable a site visit to be held so that Members can better acquaint themselves with the site and surrounds.

(Members present: Councillors Sirajul Islam, Danny Hassell, Amina Ali, John Pierce, Helal Uddin, Suluk Ahmed, Julia Dockerill, Harun Miah, Gulam Kibria Choudhury)

## **6.2 1 Park Place, Canary Wharf, London PA/13/02344 (Outline Planning Application) and PA/13/02366 (Listed Building Consent)**

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application and the update.

Jane Jin (Planning Officer) gave a presentation on the application describing the site and surrounds, the site designation, the floor plans and the height of

the building. It was considered that the loss of the water space and the dock wall was acceptable in view of the overall benefits of the scheme (the new pedestrian link across the dock, the enhancements to the public realm, the biodiversity enhancements). Furthermore, the plans for the dock wall would cause less than substantial harm to the setting of the listed wall and the Conservation Area. Contributions had been secured in line with policy.

Given the merits of the scheme, it was recommended that the planning permission and listed building consent be granted.

In response to questions, Officers clarified the plans for the dock wall. A condition would be imposed to the satisfaction of English Heritage and the Council's Conservation Officer to ensure the repair works were of a high standard. Officers also clarified the size of the extension in relation to the water space required to make best use of the office space. The impact on traffic and the highway should be minimal given the travel assessment, the number of parking spaces and the implementation of a servicing plan.

The additional ecological benefits were also explained.

On a unanimous vote, the Committee **RESOLVED**:

1. That planning permission PA/13/02344 be **GRANTED** for the outline application for the demolition of any existing structures, and construction of a building of up to 102,102 sq.m (GIA) comprising office use (use class B1) along with a decked terrace to the Middle Dock, access and highways works, provision for flood storage, landscaping, pedestrian link and other works incidental to the application (all matters reserved) subject to:
  2. Any direction by The Mayor of London.
  3. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.
  4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
  5. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the Committee report and as amended in the update report.
  6. Any other informative(s) considered necessary by the Corporate Director Development & Renewal
  7. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director

Development & Renewal is delegated power to refuse planning permission.

On a unanimous vote, the Committee **RESOLVED**:

1. That Listed Building Consent PA/13/02366 at 1 Park Place, Canary Wharf, London be **GRANTED** for the alterations to grade I listed Quay Wall in connection with the redevelopment of the site under associated outline planning application PA/13/02344 subject to the conditions and informatives set out in the Committee report.
2. Any other informative(s) considered necessary by the Corporate Director Development & Renewal
3. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

### **6.3 Peterley Business Centre, 472 Hackney Road London (PA/13/02722)**

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application and the update. The Chair then invited registered speakers to address the Committee.

Raj Gupta spoke in opposition representing one of the existing businesses at the centre. She objected to the loss of their business unit given the proximity to their customer base, the good transport links and facilities. The business had been there for many years, had a long lease and employed many staff. All this would be lost. The Council should support small businesses and review the application with this in mind. In response to questions, she considered that, should a similar unit in the area be found, the applicant would consider this.

Tim Gaskell (Applicant's Agent) spoke in support of the application. He drew attention to the Business Relocation Strategy to assist displaced businesses. This research showed that there was sufficient business units in the area to accommodate the businesses and there was also the option of businesses coming back into the completed development. He advised that the businesses were protected by their leases and that they could not be forced to go. He highlighted the other benefits of the scheme.

In reply to questions, he explained the different phases of the scheme and the specific steps that would be taken to help businesses relocate.

He explained the mix and location of the proposed commercial units. It was considered that these were appropriate locations for these units. The Greater

London Authority (GLA) were satisfied with the rent data provided to ensure marketability for small and medium sized businesses.

In terms of the consultation, the developer had held an exhibition, leafleted neighbours and had consulted the existing business. As a result, steps had been taken to reduce the height of the scheme, improve the parking and access plans and clarify the business support strategy. The appearance of the extension to the former public house had been amended to better fit in with the area.

Iyabo Johnson (Planning Officer) presented the detailed report and the update. She explained the site and surrounds, the outcome of the local consultation and the impact of the existing building on the area.

She described the key features of the proposal including: the nature of the residential units, the plans for the public house, the public realm improvements and the commercial units. It was considered that the loss of the existing employment floor space was acceptable given that the proposal could accommodate a greater employment density with more modern facilities. The proposed mix also complied with the policy for the area.

Officers had requested that a Business Relocation Strategy be submitted. The scheme would be in keeping with the area.

Attention was also drawn to the position regarding the nearby gasholder site. It was considered that the mitigation condition preventing the commencement of part of the scheme until the hazardous substances consent was revoked was sufficient to prevent any harm from this and would deal with concerns raised by the Health and Safety Executive (HSE).

Given the overall benefits of the scheme, it was considered that the scheme was acceptable and should be granted planning permission.

In response to questions, it was reported that the application had been subject to independent viability testing that showed that the scheme provided the maximum amount of affordable housing that could be afforded. There would be a review mechanism in the s106 to increase the affordable housing offer should profit margins increase. There were conditions to ensure that the child play space was of good quality.

It was noted that the scheme would result in a loss of light industrial space, however, the site was not in an area designated by local plan policy to protect such uses. Furthermore, given the benefits (highlighted above) and the number of sites allocated in planning policy for light industrial uses (based on the most recent employment evidence), it was considered that on balance, that redevelopment for a mix of uses was acceptable.

The Committee requested a condition securing the submission of a Business Relocation and Marketing Strategy for the existing commercial units. The

Chair also requested that greater information on the tenure types of the affordable housing be provided in reports.

A Member also sought clarity on the percentage of wheelchair housing. It was requested that, in future, more information on this be provided in the report.

In response to further questions, Officers clarified the daylight and sunlight assessment, the measures to minimise noise, separation distances and the environmental benefits and the quality of the residential units.

On a vote of 6 in favour, 1 against and 2 abstentions, the Committee **RESOLVED:**

1. That planning permission PA/13/02722 at Peterley Business Centre, 472 Hackney Road London be **GRANTED** for the demolition of existing building and phased redevelopment of the site to provide a residential led mixed use development, comprising the facade retention and extension to the former Duke of Cambridge public house, erection of part 7 to 10 storey building on Clare Street and erection of part 4 to 12 storey building on Hackney Road/ Clare Street, all to provide 217 dwellings and 1521 sqm of commercial space falling within use classes A1, A2, A3, A4, B1, D1 and/or D2, plus disabled car parking spaces, cycles parking, refuse/recycling facilities and access together with landscaping including public realm, communal and private amenity space subject to:
  2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report and the further condition in the update report regarding the child play space.
  3. That the Corporate Director Development & Renewal and the Service Head (Legal Services) are delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority.
  4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report AND following matters:
    - the submission of a Business Relocation Strategy and Marketing Strategy for the rent levels for the commercial units.
    - the additional condition in the update report regarding the child play space.
  5. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

#### **6.4 7 Limeharbour, E14 9NQ (PA/14/00293)**

Update Report Tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application and the update and the Chair then invited registered speakers to address the Committee.

Councillor Chris Chapman spoke in opposition to the scheme. He objected on the grounds of overdevelopment of the site given the volume of new development in the area. In particular, he objected to the impact on parking stress and highway safety given the existing problems in the area. He also objected to the impact on local schools, health facilities and public transport, already at a capacity. The scheme should be refused planning permission. In response to questions, he commented on the likelihood that future occupants would bring vehicles to the development, despite the car free agreement, worsening existing parking and highway safety issues.

Philip Dunphy (Applicant's Agent) spoke in support. He detailed the scope of the consultation. As a result, the scheme had been amended to reduce the number of storeys. He also explained the benefits of the scheme including the level of affordable housing and the design that would be in keeping with the area. The three parking spaces would be re - provided under the legal agreement. The proposal should actually reduce use of the Crossharbour DLR station compared to activity from the consented use.

Amy Thompson (Planning Officer) gave a detailed presentation on the scheme explaining the surrounding area that was mainly residential, the lack of need for the existing use and that the site designation sought to maximise residential development in the area. She set out information regarding the objections received and also explained the design, massing, density, height of the scheme, the housing offer, the measures to protect amenity, the amenity space, the public realm improvements, the s106 agreements and addressed the issues in the update report regarding the sunlight and daylight impact. In view of the merits of the scheme, it was recommended the scheme be granted planning permission.

In response to questions, Officers welcomed the level of open space surrounding the proposal. The scheme had been designed to reflect the lower scale of surrounding buildings with the 'stepped' design. The height of the building had been reduced through pre-application discussions and the proportion of affordable housing had been increased.

Officers also clarified the rent levels for the social housing and the distribution of funding between highway works and the DLR as agreed by the Council's Planning Contribution Overview Panel taking into account need.



On a vote of 7 in favour, 2 against and no abstentions, the Committee  
**RESOLVED:**

1. That planning permission (PA/14/00293) at 7 Limeharbour, E14 9NQ be **GRANTED** for the demolition of the existing building and the construction of a new residential building ranging from 6 to 23 storeys (with additional lower ground level) and comprising 134 residential units, private leisure facilities, a new urban square (including new pedestrian links and hard and soft landscaping), revised vehicle access arrangements, and basement car parking and servicing subject to:
2. Any direction by The London Mayor
3. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report
4. That the Corporate Director Development & Renewal is delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority.
5. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report and the additional condition in the update report regarding the architectural treatment.
6. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal
7. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

The meeting ended at 10.30 p.m.

Chair, Councillor Sirajul Islam  
Strategic Development Committee

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## Guidance for Development Committee/Strategic Development Committee Meetings.

### Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters.  This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> <li>• Three minutes for one objector speaking.</li> <li>• Six minutes for two objectors speaking.</li> <li>• Additional three minutes for any Committee and non Committee Councillor speaking in objection.</li> </ul>
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

### What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) under Council Constitution, Part.4.8, Development Committee Procedural Rules.

### What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

### How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair's discretion. The procedure for considering applications for decision shall be as follows:  
Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

### How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council's website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p><b>Deadlines.</b> To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"><li>• Development Committee Procedural Rules - Part 4.8 of the Council's Constitution (Rules of Procedure).</li><li>• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council's Constitution (Responsibility for Functions).</li><li>• Terms of Reference for the Development Committee - Part 3.3.4 of the Council's Constitution (Responsibility for Functions).</li></ul>	 <p>Council's Constitution</p>

# Agenda Item 5

<b>Committee:</b> Strategic Development	<b>Date:</b> 6 <sup>th</sup> November 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 5
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b>		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
25 <sup>th</sup> September 2014	PA/14/00990	Quay House, 2Admirals Way, London E14	Demolition of the existing building and redevelopment to provide a residential led, mixed use scheme to include a tower of 68 storeys (233 metres AOD) comprising 496 residential units, 315.3 sq.m. (GEA) of flexible commercial uses including retail/financial and professional services/café/restaurant uses (Use Classes A1 to A3), a residents' gymnasium and associated residential amenity space, car and cycle parking and landscaping.	Formal Committee site visit

## 3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The above deferred application is for consideration by the Committee. The original report along with any update report is attached.
- 3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

Application, plans, adopted UDP, Interim Planning Guidance and London Plan

Eileen McGrath (020) 7364 5321

**4. PUBLIC SPEAKING**

- 4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

**5. RECOMMENDATION**

- 5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

# Agenda Item 5.1

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 6 <sup>th</sup> November 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Robert Lancaster		<b>Ref No:</b> PA/14/00990	
		<b>Ward:</b> Canary Wharf	

## 1.0 APPLICATION DETAILS

**Location:** Quay House, 2Admirals Way, London E14

**Existing Use:** B1(a) office use. Vacant 3 storey (1980s) office building (1,821 sq.m (GIA) floor space) and surface car park for 39 spaces.

**Proposal:** Demolition of the existing building and redevelopment to provide a residential led, mixed use scheme to include a tower of 68 storeys (233 metres AOD) comprising 496 residential units, 315.3 sq.m. (GEA) of flexible commercial uses including retail/financial and professional services/café/restaurant uses (Use Classes A1 to A3), a residents' gymnasium and associated residential amenity space, car and cycle parking and landscaping.

**Drawing Numbers:** 2211\_A\_9;2211\_A\_10; 2211\_A\_11;  
2211\_A\_12; 2211\_A\_13; 2211\_A\_14;  
2211\_A\_15; 2211\_A\_30; 2211\_A\_31;  
2211\_A\_40; 2211\_A\_98; 2211\_A\_99;  
2211\_A\_100; 2211\_A\_101; 2211\_A\_102  
Rev 2; 2211\_A\_103 Rev 2; 2211\_A\_104  
Rev 1; 2211\_A\_105; 2211\_A\_106;  
2211\_A\_107; 2211\_A\_108; 2211\_A\_109;  
2211\_A\_201; 2211\_A\_202; 2211\_A\_203;  
2211\_A\_204; 2211\_A\_205; 2211\_A\_206;  
2211\_A\_210; 2211\_A\_211; 2211\_A\_212;  
2211\_A\_213; 2211\_A\_301; 2211\_A\_501;  
2211\_A\_502; 2211\_A\_510; 2211\_A\_511;  
2211\_A\_512; 2211\_A\_513; 2211\_A\_514;  
2211\_A\_515; 2211\_A\_590.

**Supporting Documents:** Planning Statement  
Design & Access Statement  
Affordable Housing Statement  
Sustainability Statement  
Energy Strategy  
Statement of Community Involvement  
Transport Assessment  
Viability Report  
Environmental Statement, Non-Technical Summary  
Environmental Statement, Volume I (main chapters), Volume II (Heritage, Townscape and Visual Impact Assessment) and Volume III (Technical Appendices).

**Applicant:** Investin Quay House Ltd

## 2.0 Background

- 2.1 This application was reported to the Strategic Development Committee on the 25<sup>th</sup> of September 2014 with an Officers recommendation for **REFUSAL**. The Committee resolved to defer the application for Members to undertake a site visit to further understand the issues raised.
- 2.2 Officers recommendation is that subject to any direction by the London Mayor, planning permission is **REFUSED** for the following reasons:
1. The proposed development exhibits clear and demonstrable signs of overdevelopment which include:
    - i. a limited and compromised public realm which would not provide a high-quality setting commensurate with a building of such significant height;
    - ii. an insensitive relationship with South Dock southern quayside, which as a result would provide little visual relief, be overbearing and fail to provide a human scale of development at street level;
    - iii. a failure to provide an active and engaging frontage on its southern façade due to its awkward geometry and design at lower levels;
    - iv. a failure to provide high quality child play space which, as a result, would not provide high quality residential accommodation.



As a result the proposed development would not be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential area.

Accordingly, it would fail to provide a sustainable form of development in accordance with the National Planning Policy Framework and would be contrary to the Development Plan, in particular policies 3.4, 3.5, 3.6, 7.4, 7.5, 7.6 and 7.7 of the London Plan (2011), policies SP02, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM24 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.

2. In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Community facilities, Leisure facilities, Education, Health, Sustainable Transport, Public Realm, Streetscene and Built Environment, Highways and Energy, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Planning Obligations SPD.

### **3.0 UPDATES AND CLARIFICATIONS**

- 3.1 In paragraph 8.6 and 12.10 of the 25<sup>th</sup> September Committee Report it was stated to the 3-bed affordable units would be delivered as an affordable rent product at LBTH Affordable Rent levels for 2014/15. These units are, in fact, being delivered as a social rent product. The recommendation remains unchanged.
- 3.2 The applicant on the 17<sup>th</sup> November submitted, on an informal basis, amendments to the application to see whether agreement could be reached on reducing the number of points of refusal. The applicant also advised that if these amendments could not be incorporated in time for the application to go to the 6<sup>th</sup> November Strategic Development Committee then to take the scheme as submitted (i.e. not to accept the potential amendments on a formal basis). It was not possible to consider and consult on the amendments in time for the November Committee. Accordingly, the scheme remains as originally submitted.

## **4.0 CONCLUSION**

- 4.1 All relevant policies and considerations have been taken into account and officers recommend that planning permission should be **REFUSED**, subject to any direction from the Mayor of London.

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 25 <sup>th</sup> September 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Robert Lancaster		<b>Ref No:</b> PA/14/00990	
		<b>Ward:</b> Canary Wharf	

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2211\_A\_210; 2211\_A\_211; 2211\_A\_212;  
2211\_A\_213; 2211\_A\_301; 2211\_A\_501;  
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**Supporting Documents:** Planning Statement  
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Viability Report  
Environmental Statement, Non-Technical Summary  
Environmental Statement, Volume I (main chapters), Volume II (Heritage, Townscape and Visual Impact Assessment) and Volume III (Technical Appendices).

**Applicant:** Investin Quay House Ltd

## **2.0 Executive Summary**

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Development Plan and other material considerations (including the NPPF) and has concluded that:
- 2.2 The proposed development would be a clear and demonstrable over-development of the site. This is exhibited by:
- 2.3 The proposed development would have a limited and compromised public realm which would not provide a high-quality setting commensurate with a building of such significant height.
- 2.4 The proposed development would overhang and have an insensitive relationship with the South Dock southern quayside which would provide little visual relief, have an overbearing appearance from this important area of public realm and fail to provide a human scale of development at street level.
- 2.5 The proposed development would fail to present an active and engaging frontage on its southern façade by reason of its awkward geometry, obscure glazed treatment above ground level and prominent location of the car stacker entrance and associated vehicle waiting area.
- 2.6 The development would fail to provide high quality child play space and, as a consequence would not provide high quality residential accommodation.
- 2.7 The benefits of the scheme, including but not limited to the redevelopment of a vacant building on brownfield land and the

provision of private and affordable housing, do not outweigh the harm identified above and, as a consequence, the proposal would fail to be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas. These are clear and demonstrable symptoms of overdevelopment of the site.

- 2.8 As such, the scheme is contrary to the Development Plan, in particular policies 3.4, 3.5, 3.6, 7.4, 7.5, 7.6 and 7.7 of the London Plan (2011), policies SP02, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM24 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.
- 2.9 In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Community facilities, Leisure facilities, Education, Health, Sustainable Transport, Public Realm, Streetscene and Built Environment, Highways and Energy; the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Planning Obligations SPD.

### 3.0 RECOMMENDATION

- 3.1 That subject to any direction by the London Mayor, planning permission is **REFUSED** for the following reasons:

1. The proposed development exhibits clear and demonstrable signs of overdevelopment which include:
  - i. a limited and compromised public realm which would not provide a high-quality setting commensurate with a building of such significant height;
  - ii. an insensitive relationship with South Dock southern quayside, which as a result would provide little visual relief, be overbearing and fail to provide a human scale of development at street level;
  - iii. a failure to provide an active and engaging frontage on its southern façade due to its awkward geometry and design at lower levels;

- iv. a failure to provide high quality child play space which, as a result, would not provide high quality residential accommodation.

As a result the proposed development would not be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential area.

Accordingly, it would fail to provide a sustainable form of development in accordance with the National Planning Policy Framework and would be contrary to the Development Plan, in particular policies 3.4, 3.5, 3.6, 7.4, 7.5, 7.6 and 7.7 of the London Plan (2011), policies SP02, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM24 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.

- 2. In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Community facilities, Leisure facilities, Education, Health, Sustainable Transport, Public Realm, Streetscene and Built Environment, Highways and Energy, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Planning Obligations SPD.

#### **4.0 PROPOSAL, LOCATION DETAILS and DESIGNATIONS**

##### Proposal

- 4.1 The proposal would involve the comprehensive redevelopment of the application site including the demolition of the existing 3 storey 1980's office block and the construction of a residential led mixed use tower rising to 233 metres (AOD) set over 68 storeys (excluding the double basement storeys). It would comprise 496 residential units, 315.3 square metres (GEA) of flexible commercial uses including retail/financial and professional services/café/restaurant uses (Use Classes A1 to A3), a residents' gymnasium and associated residential amenity space, car and cycle parking and landscaping.

- 4.2 The scheme would provide a total of 496 residential units with 25.78% affordable housing by habitable room. In dwelling numbers it would comprise 387 private units (78.02%); 37 Intermediate units (7.46%) and 72 rented units (14.52%). The detailed provision is set out below:

#### Number and Percentage of units and habitable rooms by tenure

	<b>Number of units</b>	<b>%</b>	<b>Habitable Rooms</b>	<b>%</b>
Open Market	387	78.02%	979	74.22%
Affordable rent	72	14.52%	234	17.74%
Intermediate	37	7.46%	106	8.04%
<b>TOTAL</b>	<b>496</b>	<b>100%</b>	<b>1319</b>	<b>100%</b>

#### Dwelling numbers and mix by tenure

	<b>Studio</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
Open market	58	128	143	54	4
Affordable Rent	0	18	18	36	0
Intermediate	0	12	18	7	0
<b>TOTAL</b>	<b>58</b>	<b>158</b>	<b>179</b>	<b>97</b>	<b>4</b>
<b>Total as %</b>	<b>11.69</b>	<b>25.81</b>	<b>36.09</b>	<b>19.56</b>	<b>0.81</b>

- 4.3 The scheme would contain a double basement containing an automated stacking system car park with vehicle lifts and space for refuse and plant.
- 4.4 The ground floor would make provision for separate entrance lobbies for the affordable housing and the private housing; commercial space and car park lift access and loading bay/waste storage.
- 4.5 The first floor would comprise more car parking through the automated stacking system with plant and 233 cycle parking spaces.
- 4.6 The second floor would contain cycle parking for 368 bicycles and a pool plant room; the third floor would comprise a residents gym/health spa/therapy rooms/Jacuzzi/swimming pool and residents' meeting room.
- 4.7 The 4<sup>th</sup> floor would comprise children's indoor and outdoor play areas and the 5<sup>th</sup> floor would contain more ancillary residential amenity and child play space.

- 4.8 The 6<sup>th</sup> floor upwards would contain the 496 residential units. The affordable housing units would be located between floors 6 and 12 and 16 and 20 with all the private residential units located between floors 13-15 and floors 21 and upwards. Amenity space is also provided on the 18/19<sup>th</sup> floors and the 66<sup>th</sup> and 67<sup>th</sup> floor.

#### Site and Surroundings

- 4.9 The irregular shaped development site comprises an area of 0.192 hectares and is located on the southern side of West India South Dock (south side) within the Millennium Quarter of the Isle of Dogs.
- 4.10 It is bounded by the South Dock quayside walkway and South Dock to the north; to the west by the vacant Arrowhead Quay site (subject of a live planning application for 2 towers of 50 and 55 storeys: PA/12/03315); and several 1980s docklands commercial buildings up to 6 storeys high to the east; and to the south by Admirals Way (private estate road) and the Docklands Light Railway (DLR) tracks (which also runs through the site at its western side). The Canary Wharf estate is located on the northern side of West India South Dock.
- 4.11 The application site contains a vacant 1980s 3 storey office building (1,871 sq.m) with a 39 space surface car park. The surface car park is accessed from Admirals Way, off Marsh Wall and is crossed overhead by the elevated DLR track.
- 4.12 The site is located approximately 500 metres walk away from South Quay (DLR) Station to the east along Marsh Wall, approximately 380 metres from Canary Wharf London Underground Station via the South Quay footbridge. The nearest bus stop lies 130 metres away from the site. The site has a Public Transport Accessibility Level (PTAL) of 5.
- 4.13 On the other side of South Dock (circa 80m wide) is Canary Wharf Estate, including the iconic 1 Canada Square (245.75m AOD). There is also an emerging context at the western end of the docks, which contains a number of sites with extant or unimplemented consents for significant tower buildings, including the "City Pride" permission for a 75 storey tower (239m AOD), "Riverside South" which contains a tower up to 241m AOD and "Newfoundland" a 60 storey tower (226m AOD).
- 4.14 Along Marsh Wall itself, there is the Pan Peninsula (south-east of the site) with two towers of 48 and 39 storeys and Landmark (to the west of the site) with two towers the tallest being 44 storeys in height and it is noteworthy that 40 Marsh Wall has an approval for a 38 storey hotel (125m AOD).



## Designations

- 4.15 The site is within the London Plan's Isle of Dogs Opportunity Area which recognises it as a strategically significant part of London's world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.
- 4.16 The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages comprehensive mixed-use redevelopment to provide a strategic housing contribution and a district heating facility where possible. The Allocation states that developments will include commercial floorspace, open space and other compatible uses and advises that development should recognise the latest guidance for Millennium Quarter. The Allocation also sets out Design Principles for the site which is referred to later in this Report.
- 4.17 The site is identified as an Area of Regeneration in the London Plan and forms part of the Isle of Dogs Activity Area.
- 4.18 The site is within an Environment Agency designated Flood Zone 3a - land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences.
- 4.19 The site is adjacent to a Grade II Site of Borough for Nature Conservation (Millwall and West India Docks), which includes the South Dock. It is principally of importance for the regular presence of breeding and overwintering birds.
- 4.20 The site, as with the whole Borough, is within Air Quality Management Area.
- 4.21 The site is within the London City Airport Safeguarding Zone.
- 4.22 The site is within the London Plan Views Management Framework (LVMF), of particular relevance is the view from the General Wolfe Statue in Greenwich Park.
- 4.23 South Dock (on the site's northern edge) forms part of the Development Plan's Blue Ribbon Network.
- 4.24 The site is within the Crossrail Safeguarding Area as well as Crossrail SPG Charging Zone.

## 5. Environmental Impact Assessment

### EIA Regulations

- 5.1 The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as an 'urban development project' and is likely to have significant effects on the environment.
- 5.2 Regulation 3 of the EIA Regulations prohibits granting planning permission unless prior to doing so, the relevant planning authority has first taken the 'environmental information' into consideration, and stated in their decision that they have done so.
- 5.3 The 'environmental information' comprises the applicant's Environmental Statement (ES), including any further information and any other information, and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

### EIA Scoping

- 5.4 An EIA Scoping Report was submitted to LBTH in February 2014 to seek a formal EIA Scoping Opinion. A formal EIA Scoping Opinion was issued by LBTH on 2<sup>nd</sup> April 2014 and the EIA was informed by this document.

### Environmental Information

- 5.5 The ES was submitted by the applicant with the outline planning application. The ES assessed the effects on the following environmental receptors (in the order they appear in the ES):

- Chapter 5: Demolition and Construction;
  - Chapter 6: Waste and Recycling;
  - Chapter 7: Socio-Economics;
  - Chapter 8: Transportation and Access;
  - Chapter 9: Air Quality;
  - Chapter 10: Noise and Vibration;
  - Chapter 11: Ground Conditions;
  - Chapter 12: Water Resources, Drainage and Flood Risk;
  - Chapter 13: Archaeology;
  - Chapter 14: Wind Microclimate;
  - Chapter 15: Daylight, Sunlight, Sun On Ground, Overshadowing and Solar Glare;
  - Chapter 16: Electronic Interference.
  - Chapter 17: Cumulative Effects
- Appendix A: EIA Scoping Report and Scoping Opinion;

- Appendix B: Aviation;
- Appendix C: Ecology;
- Appendix D: Waste and Recycling;
- Appendix E: Health and Well Being;
- Appendix F: Transportation Assessment;
- Appendix G: Noise and Vibration;
- Appendix H: Drainage and Flood Risk Assessment;
- Appendix I: Archaeology;
- Appendix J: Wind Microclimate; and
- Appendix K: Daylight, Sunlight, Sun On Ground, Overshadowing and Solar Glare.

- 5.6 To ensure the reliability of the ES, the Council appointed EIA consultants, Land Use Consulting (LUC), to review the ES and to confirm whether it satisfied the requirements of the EIA Regulations (2011). Where appropriate, reference was made to other relevant documents submitted with the planning application.
- 5.7 LUC's review identified a number of clarifications and potential requests for 'further information' under Regulation 22 of the EIA Regulations. The applicant was issued with a copy of LUC's review.
- 5.8 In response to this, the applicant provided additional information which addressed the identified clarifications. This information was reviewed and considered to address the clarifications. The information provided also addressed the potential Regulation 22 requests and upon review of the information provided were not considered to constitute a formal request for further information under Regulation 22 i.e. dealt with as clarifications.
- 5.9 LUC has confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.
- 5.10 Representations from a number of consultation bodies including the Environment Agency, English Heritage and Natural England have been received, as well as representations from local residents about the environmental effects of the development.
- 5.11 The ES, other relevant documentation submitted with the planning application, clarification information, consultee responses and representations duly made by any other persons constitute the 'environmental information', which has been taken into account when writing this recommendation and is required to be taken into account when arriving at a decision on this planning application.
- 5.12 The Quay House application is for full planning permission. The contents and conclusions of the ES are based on the proposals illustrated in the Application drawings and discussed within Chapter 4: The Proposed Development of this ES (along with site baseline

surveys; quantitative/qualitative assessment methodologies; and the specialist knowledge of the consulting team).

- 5.13 The ES, publicly available on the planning register, identifies the likely significant environmental effects (adverse and beneficial) from the construction phase (including demolition and other associated site preparation activities) and operation of the proposed development, before and after mitigation. The significance of the likely effects has been determined from the sensitivity of the receptor and the magnitude of the change.
- 5.14 Where adverse effects have been identified, appropriate mitigation measures have been proposed. Were the application to be approved, mitigation measures could be secured by way of planning conditions and/or planning obligations as appropriate.

## 6.0 **Relevant Planning History**

- 6.1 The planning history of the site is a matter of public record and generally consists of applications for changes of use (granted and refused) and applications for advertisement consent. Listed below are a number of relevant applications in the surrounding area:

### Built

- 6.2 “Pan Peninsula” has two buildings on 48 and 39 stories and contains 820 residential units along with retail, business and leisure uses.
- 6.3 “Landmark” has one building of 44 storeys, one building of 30 storeys and two buildings of eight storeys and contains 802 dwellings along with retail, business and community uses.

### Consented / Implemented but not built

- 6.4 “Hertsmere House (Columbus Tower)” PA/08/02709 granted 2<sup>nd</sup> December 2009 for demolition of existing building and erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).
- 6.5 “Riverside South” PA/07/935 granted 22<sup>nd</sup> February 2008 for the erection of Class B1 office buildings (330,963 sq. m) comprising two towers (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses at promenade level up to a maximum of 2,367 sq.m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works. (total floor space 333,330 sq.m).

- 6.6 “City Pride” PA/12/03248 granted 10<sup>th</sup> October 2013 for the erection of residential-led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.
- 6.7 “Newfoundland” PA/13/01455 granted 10<sup>th</sup> June 2014 for erection of a 58 [sic] storey and linked 2 storey building with 3 basement levels to comprise of 568 residential units, 7 ancillary guest units (use class C3), flexible retail use (use class A1-A4), car and cycle parking, pedestrian bridge, alterations to deck, landscaping, alterations to highways and other works incidental to the proposal.
- 6.8 “40 Marsh Wall” PA/10/1049 granted 15<sup>th</sup> November 2010 for the demolition of the existing office building and erection of a 38 storey building (equivalent of 39 storeys on Manilla Street) with a three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); public open space, together with the formation of a coach and taxi drop-off point on Marsh Wall.

Under consideration

- 6.9 “Arrowhead Quay” PA/12/3315 for erection of two buildings of 55 and 50 storeys to provide 792 residential units (Use Class C3) and ancillary uses, plus 701 sqm of ground floor retail uses (Use Classes A1 -A4), provision of ancillary amenity space, landscaping, public dockside walkway and pedestrian route, basement parking, servicing and a new vehicular access.
- 6.10 “1-3 South Quay Plaza” PA/14/944 for demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential led mixed use buildings of up to 73 storeys and up to 36 storeys comprising up to 947 residential (Class C3) units in total and retail (Class A1-A4) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.
- 6.11 “2 Millharbour” PA/14/1246 for erection of seven mixed-use buildings A, B1, B2, B3, C, D and E (a link building situated between block B1 and D)- ranging in height from 8 to 50 storeys.

- 6.12 “30 Marsh Wall” PA/13/3161 for demolition and redevelopment to provide a mixed use scheme over two basement levels, lower ground floor, ground floor, and 52 upper floors (rising to a maximum height including enclosed roof level plant of 189 metres from sea level (AOD)) comprising 73 sq m of café/retail floorspace (Use Classes A1-A3), 1781 sq m of office floorspace (Use Class B1), 231 sq m of community use (Use Class D1), 410 residential units (46 studios, 198 x 1 bed, 126 x 2 bed and 40 x 3 bed) with associated landscaping, 907 sq m of ancillary leisure floorspace and communal amenity space at 4th, 24th, 25th, 48th and 49th floors, plant rooms, bin stores, cycle parking and 50 car parking spaces at basement level accessed from Cuba Street.

## **7.0 POLICY FRAMEWORK**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:
- 7.3 Core Strategy Development Plan Document 2010 (CS)

Policies:

- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a green and blue grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP07 Improving education and skills
- SP08 Making connected places
- SP09 Creating attractive and safe streets and spaces
- SP10 Creating distinct and durable places
- SP11 Working towards a zero-carbon borough
- SP12 Delivering Placemaking
- SP13 Planning Obligations

Annexe 9: LAP 7 & 8: Millwall

## 7.4 Managing Development Document (2013) (MDD)

Policies:

- DM0 Delivering Sustainable Development
- DM3 Delivering Homes
- DM4 Housing Standards and amenity space
- DM8 Community Infrastructure

DM9 Improving Air Quality  
 DM10 Delivering Open space  
 DM11 Living Buildings and Biodiversity  
 DM12 Water spaces  
 DM13 Sustainable Drainage  
 DM14 Managing Waste  
 DM15 Local Job Creation and Investment  
 DM20 Supporting a Sustainable Transport Network  
 DM21 Sustainable Transport of Freight  
 DM22 Parking  
 DM23 Streets and Public Realm  
 DM24 Place Sensitive Design  
 DM25 Amenity  
 DM26 Building Heights  
 DM27 Heritage and Historic Environment  
 DM28 World Heritage Sites  
 DM29 Zero-Carbon & Climate Change  
 DM30 Contaminated Land

Site Allocation 17: Millennium Quarter

7.5 Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012  
 Draft Affordable Housing Supplementary Planning Document (public consultation period ended on the 2nd July 2013)  
 Isle of Dogs Area Action Plan October 2007  
 Millennium Quarter Masterplan (2000)

7.6 Spatial Development Strategy for Greater London (London Plan 2011) (including Revised Early Minor Alterations 2013)

1.1 Delivering Strategic vision and objectives London  
 2.1 London  
 2.5 Sub-regions  
 2.9 Inner London  
 2.10 Central Activity Zone  
 2.11 Central Activity Zone - strategic  
 2.12 Central Activities Zone - local  
 2.13 Opportunity Areas and Intensification Areas  
 2.14 Areas for Regeneration  
 2.15 Town Centres  
 2.18 Green infrastructure  
 3.1 Ensuring Equal Life Chances for All  
 3.2 Improving Health and Addressing Health Inequalities  
 3.3 Increasing Housing Supply  
 3.4 Optimising Housing Potential  
 3.5 Quality and Design of Housing Developments



- 3.6 Children and Young People’s Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and Enhancement of Social Infrastructure
- 4.1 Developing London’s Economy
- 4.2 Offices
- 4.3 Mixed-use developments and offices
- 4.5 London’s visitor infrastructure
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London’s Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings



- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.18 Open space
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

7.7 The 'Draft Further Alterations to the London Plan' were published for public consultation period which commenced on 15 January 2014 and ended on 10 April 2014. An Examination in Public has been scheduled for 1 September 2014. The Further Alterations aim to shape the London Plan as the London expression of the National Planning Policy Framework. Some of the key impacts on the borough relate to increased housing targets (from 2,885 to 3,930 new homes per year), creating additional infrastructure needs, a decreased waste apportionment target and an increase in cycle parking standards.

7.8 As the Further Alterations have been subject to public consultation, they are accumulating weight in determining planning applications and are considered to be an emerging material consideration with some weight.

7.9 London Plan Supplementary Planning Guidance/Documents

- Housing Supplementary Planning Guidance Nov 2012
- London View Management Framework 2012
- Sustainable Design & Construction 2006
- Draft Sustainable Design and Construction (2013)
- Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012
- London World Heritage Sites – Guidance on Settings 2012

7.10 Government Planning Policy Guidance/Statements

- The National Planning Policy Framework 2012 (NPPF)
- Technical Guide to NPPF
- The National Planning Policy Guide (NPPG)

**8.0 CONSULTATION RESPONSES**

8.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

- 8.2 The following were consulted and made comments regarding the application, summarised below:

Internal Consultees

**Access Officer**

- 8.3 The Access Officer welcomes the detail provided in relation to access and inclusive design within the Design and Access Statement and requests a number of clarifications in relation to specific elements of the scheme.

*(Officer comment: If planning permission were to be granted for the scheme then relevant planning conditions could be imposed to secure any necessary alterations to the layout.)*

**Affordable Housing Team**

- 8.4 The applicant has made an offer of affordable housing equating to 25.78% by habitable rooms. This offer has been subject to viability testing and, whilst it falls below the Council's target of 35% affordable housing by habitable rooms, it is the most the development can viably offer. The level of affordable housing is therefore supported.
- 8.5 The Council targets a tenure split of 70% Affordable Rent and 30% Intermediate product. The development proposes 68.9% affordable rent and 31.1% intermediate (shared ownership). Whilst not precisely in accordance with the target, the deviation is not significant.
- 8.6 The applicant has confirmed that affordable rents will be in line with LBTH Affordable Rent levels for 2014/15, which are as follows: 1 bed, £224 per week; 2 beds, £253 per week; 3 beds, £276 per week, and 4 beds, £292 per week inclusive of service charges. This is supported.
- 8.7 The breakdown of units proposed units within the affordable element of the scheme is in accordance with LBTH policies for affordable rent tenure. For the Intermediate tenure: 30% of one bed units are proposed against our policy target of 25%, 50% of two bed units in accordance with our policy target and 20% of three bed units are proposed against our policy target of 25%. Whilst there is some deviation from the Council's preferred mix, the overall balance contributes to the Borough's affordable housing needs and is not objectionable.
- 8.8 The applicant has confirmed that the affordable units would have access to the play space on levels 4, 5 and 18 comprising 791.5 sqm of internal space and 448.31 sqm of external space (total 1,239.8 sqm). The applicant also confirms that the affordable units would have access to communal amenity space at levels 18 and 19 comprising 98.7 sqm of internal double height space and 69.2 sqm of external

space (total 167.9 sqm). Further details of these spaces should be secured by way of condition.

- 8.9 The 10% wheelchair accessible accommodation should be set out across the three tenure types of the scheme.
- 8.10 1:50 scaled drawings should be provided as soon as possible in order for LBTH access team to provide comments on the design layouts for these units along with details of the proposed internal communal space provision for all the affordable units.

*(Officer comment: If the application were to be approved, the affordable housing offer could be secured by way of legal agreement. Conditions could be imposed to secure 10% of homes being wheelchair adaptable / accessible and to provide details of the layouts of wheelchair units and communal space provision.)*

### **Waste Management Team**

- 8.11 No objections subject to the imposition of relevant conditions.

*(Officer comment: If planning permission were to be granted for the scheme then relevant planning conditions could be imposed.)*

### **Environmental Health**

- 8.12 **Contaminated Land:** Have no objections subject to the imposition of relevant planning conditions should planning permission be granted.
- 8.13 **Noise and Vibration:** No objections subject to the imposition of relevant planning conditions should planning permission be granted.
- 8.14 **Air Quality:** No objections subject to the imposition of relevant planning conditions should planning permission be granted.

*(Officer comment: If planning permission were to be granted for the scheme then relevant planning conditions could be imposed.)*

### **Transportation & Highways**

#### Car Parking

- 8.15 The submitted application is for a stacking car parking system which houses 42 spaces, 39 of which are for residents and three for visitors. The transport assessment makes a case that the site is highly accessible in terms of public transport and has included a site specific PTAL assessment which rates the site as having a PTAL of 5, in contrast to TfL's assessment which is 3. This is because, in all likelihood, that TfL has not taken the pedestrian bridge to the north of the site into consideration. A PTAL of 5 is considered very good, in

terms of public transport accessibility and we would be looking for and encouraging a car free development, with provision only for disabled parking spaces. Should permission be granted then a 'Permit Free' agreement which restricts residents from obtaining a permit in the surrounding CPZ will be required, secured via the S106 agreement along with a Car Parking Management Strategy to ensure that disabled residents can secure a parking space.

*(Officer comment: Whilst it is noted that the Highways Department encourage a 'car free' development, the proposal is in accordance with policy and therefore a refusal on this basis would not be considered reasonable.)*

*Were the application to be approved, then the s106 agreement and/or conditions could ensure that the development is "permit free" (other than for those households which benefit from the Permit Transfer Scheme) and a Car Parking Management Strategy to ensure, inter alia, that 10% of the spaces are reserved for Blue Badge holders and these residents can secure the parking spaces at an affordable rate.)*

#### Cycle Parking

- 8.16 Cycle parking is provided on the first and second floor and meets the minimum standards set out in the MDD. It is proposed that these will be a mixture of single and double stackers. It is recommended in the MDD that the 'Sheffield' type stand is LBTH preference and we would be looking for a good percentage of the stands to be of this type. Visitor parking and parking for the commercial units are proposed and this is welcomed. Full detailed drawings of the cycle storage will be required as a condition if permission is granted.

*(Officer comment: The applicant has confirmed that 55 of the residential parking spaces will be Sheffield stands, with the remainder in double stackers. Visitor parking and parking for the commercial units can be secured by way of condition.)*

#### Servicing

- 8.17 Servicing is proposed from a dedicated ground floor bay. The area where service vehicles are expected to turn is a shared area with pedestrians. A safety audit, looking at the interaction between service vehicles and pedestrians should be undertaken to highlight any risk and mitigation that may be required. With such a large scheme in terms of residential units the needs for residents moving in and out also need to be considered and I do not believe this has been taken into account.
- 8.18 The vehicular access for the car park and servicing is off a private road, Admirals Way, and there is currently a manned security gate in the vicinity of the access. No mention has been made of this and

whether the applicant has any agreement to move this to facilitate their vehicle access. Further details are required on how this is proposed to operate.

*(Officer comment: It is agreed that the proposal has the potential to cause conflict between pedestrians and service vehicles. Due to the the likely low speeds along with the potential to secure safety measures by condition, it is not considered to cause a significant risk to pedestrian safety, rather it is considered to be a poor design solution, likely to inconvenience pedestrians and undermine the quality and permeability of the proposed public realm.*

*In relation to the second point, if the application were to be approved a Grampian condition may be required to ensure that the developer has secured the necessary legal rights (prior to starting on site) to develop the site in the manner envisaged in the application.*

#### Planning obligations and conditions

- 8.19 There is likely to be an increase in pedestrian permeability through the site, which is welcomed. The effect however, on the pedestrian bridge as a result in the numbers of new residents has not been taken into account. A financial contribution towards the proposed new bridge (as part of the Millennium Quarter Masterplan) should be considered.
- 8.20 The site has a very small footprint and construction is likely to pose a problem, particularly on other users of Admirals Way. Should permission be granted a Construction Logistics Plan will be required by way of condition.
- 8.21 The applicant will also be required to enter into a Section 278 agreement with the Highways Authority to cover any works or improvements to the local public highway network which may be required.
- 8.22 A financial contribution towards works on Marsh Wall, including pedestrian crossing facilities, will be required.

*(Officer comment: Were the application to be approved a Construction Logistics Plan could be secured by way of condition along with a condition to address a scheme of public highway improvements (s278 works). The applicant has offered £268,043.71 towards highways improvements which may be directed towards pedestrian improvements on Marsh Wall or a second foot bridge over South Quay.*

#### Summary

- 8.23 In summary, the applicant has made a case for the site to be considered as having a PTAL of 5, which is considered to represent an

area of very good public transport accessibility. In areas such as this LBTH would expect a car free development, with the only parking reserved for accessible parking. No specific accessible parking is being proposed at this development. As a result this group cannot support the application.

*(Officer comment: Comments noted and addressed in detail above.)*

### **Biodiversity Officer**

- 8.24 The application site has no significant existing biodiversity value. It is adjacent to South Dock, which is part of a Site of Borough Importance for Nature Conservation. The proposed development would increase the shading of part of the SINC but, due to the deep water and lack of aquatic vegetation, this is not likely to have a significant adverse impact on the ecology of the dock. There will not, therefore, be any significant adverse impact on biodiversity.
- 8.25 The proposed landscaping includes "green mounds" around the trees and linear planters and a brown roof on the 4<sup>th</sup> floor terrace. These offer opportunities for biodiversity enhancements. A condition should require full details of the landscaping, including the species to be planted, to be approved by the Council before work commences. The landscaping and living roof should be sufficient to ensure an overall benefit for biodiversity from the development.

*(Officer comment: The matters raised are noted and the biodiversity benefits sought could be addressed by planning condition were planning permission to be granted.)*

### **Employment & Enterprise Team**

- 8.26 The developer should exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets and 20% of goods/services procured during the construction phase should be through businesses in Tower Hamlets. The developer should also make a Planning Obligation SPD compliant offer in respect of skills and training along with apprenticeship places in the construction phase.

*(Officer comment: If planning permission were to be granted the Council could secure these obligations through the s106).*

### **Energy Efficiency Unit**

- 8.27 The proposal would incorporate measures that would reduce CO2 emissions by 41% over the Building Regulations baseline. Policy DM29 seeks a 50% reduction. In accordance with the Planning Obligations SPD the applicant has offered a cash-in-lieu payment of



£126,720 to mitigate this shortfall. The approach to CO2 emissions reduction is supported.

- 8.28 In terms of sustainability, residential development is required to achieve a Code for Sustainable Homes Level 4 rating and for the commercial element BREEAM 'excellent'. The submitted Quay House Sustainability Statement includes a Code pre-assessment and BREEAM pre-assessment which demonstrates how the development is currently designed to achieve a Code 4 rating (score of 72.78) and BREEAM Excellent rating (score of 71.27). This is supported and this should be secured via an appropriately worded Condition
- 8.29 A condition is also recommended to ensure that the development connects to the Barkantine District Energy network should it become available.
- 8.30 *(Officer comment: If planning permission were to be granted relevant planning conditions and obligations can address the items above).*

#### **Communities, Localities & Culture (CLC)**

- 8.31 CLC note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea Stores, libraries and archive facilities. CLC, therefore seek that Planning Obligation SPD compliant contributions are secured.
- 8.32 *(Officer comment: If planning permission were to be granted the Council would secure these obligations through the s106.)*

#### External Consultees

#### **London Legacy Development Corporation (LLDC)**

- 8.33 The LLDC has written stating that it has no comments to make on the application.

#### **Natural England**

- 8.34 Natural England advises that the scheme is unlikely to affect statutorily protected sites or landscapes. Otherwise they provide generic advice in respect of protected species, local sites, biodiversity and landscaping enhancements.

#### **Canal & River Trust (CRT)**

- 8.35 CRT supports the proposal to unlock the potential of the waterside by animating and opening up the ground level uses within the site as much as possible, and the opening up of the public realm beneath the

DLR. CRT is also pleased to see the proposed active retail frontages around the building and has no objection to the height of the building.

- 8.36 CRT would like to see an enhancement of the dockside walkway including soft and hard landscaping, paving, dock edge treatment and street furniture as part of a Section 106 agreement. CRT would also suggest that services for moorings be provided to the dock edge.
- 8.37 CRT has also requested that should the Council grant planning permission then a number of planning conditions could be imposed to a risk assessment and method statement outlining all works carried out adjacent to the dock; a lighting and CCTV scheme; a landscaping scheme; survey of the condition of the dock wall and a method statement and schedule of repairs identified; surface water run-off and ground water that may drain into the waterway; and, a feasibility study to be carried out to assess the potential for moving freight by water during construction (waste and bulk materials) and following occupation (waste and recyclables).

*(Officer comment: If planning permission was granted the requested planning conditions and informatives would be imposed and the sought public realm enhancements to include dockside paving, seats and bins could be dealt with in the s106.)*

#### **English Heritage (EH)**

- 8.38 EH has advised that this development would not warrant significant concerns in relation to the level of impact on designated heritage assets as the development forms part of a larger cluster of tall buildings. They advise that the Council should consider the potential for the site to draw attention to the "Grand Axis" (the view from General Wolfe Statue (LVMF View 5A). They recommend that the application be determined in accordance with national and local guidance.

*(Officer comment: This issue is dealt with in the main body of the report.)*

#### **English Heritage Archaeology (Greater London Archaeology Advisory Service: GLAAS)**

- 8.39 GLAAS considers that the archaeological interest of the site can be adequately conserved by attaching a suitably worded planning condition.

*(Officer comment: If planning permission were to be granted, an appropriate condition would be imposed.)*

#### **Environment Agency (EA)**



- 8.40 The EA advises that the proposal will result in a more vulnerable use within Flood Zone 3. This use is appropriate within Flood Zone 3 providing the site passes the Flood Risk Sequential Test. For the site to pass the Sequential Test the LPA must be satisfied that there are no alternative sites available for the development at a lower risk of flooding.
- 8.50 Providing the site passes the Sequential Test, a Flood Risk Assessment should be undertaken which demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere. Although the site is located within flood zone 3a it is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance in any year flood event. The LPA's Strategic Flood Risk Assessment shows that parts of the site will be at risk of flooding if there was to be a breach in the tidal defences but EA's most recent study shows that the site is unlikely to flood during a breach event. The EA consider the development to be at a low risk of flooding.
- 8.51 EA would recommend that a planning condition be imposed to control the finished floor levels for the proposed development

*(Officer comment: The Council's Core Strategy and Managing Development Document DPDs were each subject to a Strategic Flood Risk Assessment. The site is identified as being located within Millwall (a regeneration area where there will be a focus area for the majority of housing) and also being a part of the Millennium Quarter site allocation, it has also been subject to a sequential test. The application was accompanied by a Flood Risk Assessment that was submitted as part of the environmental statement and the Council's external and independent consultants have assessed and found acceptable. If planning permission were to be granted it is recommended that the requested condition is imposed).*

#### **London Fire and Emergency Planning Authority (LFEPA)**

- 8.52 LFEPA considers that the water supply proposed is satisfactory with reference to the design and access statement. There was however, no information directly related to Fire Service Access provided. Therefore meaningful observations cannot be made on Fire Service Access at this stage.

*(Officer comment: The Council's Building Control team has assessed the proposal and advises that there is sufficient space within the building core for a separate wet rising mains to be provided to ensure fire safety. In addition, the existing road network at Admirals Way provides sufficient space for a fire vehicle to stop within the required distance (18 metres maximum) to deal with a fire emergency. The applicant has submitted drawings to demonstrate that the above design details meet the LFEPA concerns. As such, if planning*

*permission were to be granted then a suitable planning condition could be imposed to seek and secure details relating to the matter.)*

### **Thames Water (TW)**

- 8.53 TW states that the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. TW therefore recommends that a suitably worded condition be imposed to ensure that Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority. TW also recommend that a condition be imposed to control the piling methods for the building. It also requests that a condition be imposed to allow a review of the development's drainage plan.

*(Officer Comments: Were planning permission to be granted the above conditions could be imposed.)*

### **London City Airport (LCY)**

- 8.54 LCY has no safeguarding objection. LCY has requested that planning conditions be imposed on any planning permission to cover the details of cranes and scaffolding during construction; that any change to the building height or its location be re-submitted to LCY for reassessment; and that all landscaping plans and plantations be considered with a view to making them unattractive to birds.

*(Officer comment: Were planning permission to be granted then the above matters could be dealt with by way of suitable planning conditions.)*

### **Metropolitan Police Crime Prevention Design Advisor**

- 8.55 The Met Police have no objections subject to the imposition of a suitable planning condition to ensure that the scheme meets Secured by Design section 2 Certification.

*(Officer comment: Were planning permission to be granted a condition could be imposed to ensure the development achieved Secure by Design accreditation.)*

### **London Underground Infrastructure**

- 8.56 No comments. However, this site appears to be in close proximity to the Docklands Light Railway. Therefore we advise you to contact the Property Department of the DLR to determine what impact, if any, there may be to their infrastructure.

*(Officer Comment: DLR were consulted on the application.)*

### **Docklands Light Railway**

- 8.57 DLR comment that their views are provided as part of Transport for London's response.

### **Port of London Authority (PLA)**

- 8.58 The PLA has no objection in principle to the proposed development. The PLA requests a condition to maximise the movement of construction material and waste by river. They also request that river bus use is maximised.

*(Officer comment: if planning permission were to be granted for the development a suitable planning condition could be imposed to investigate the feasibility of moving construction material and waste by river. The residential travel plans would be designed in such a way as to encourage the use of river buses).*

### **Maritime Greenwich World Heritage Site Executive (Greenwich Foundation for the Old Royal Naval College)**

- 8.59 Maritime Greenwich objects to the application on the grounds that: (1) it would have a significant impact on an important strategic view from the Maritime Greenwich World Heritage Site; (2) the continuing expansion of development to the West of the Grand Axis, which if unchecked would destroy an important part of London's skyline, creating a disconnect between the two banks of the River Thames and undermining the importance of the Grand Axis as a key attribute of the Outstanding Universal Value of the World Heritage Site; and (3) there are a number of consented but unbuilt buildings behind and to the North of the proposed Quay House development and indeed a number of planning applications in the pipeline in front of and to the South of it. These have the potential to compound a negative impact of the skyline.

- 8.60 MGWHSE consider that the determination of this application ahead of the emergence of the London Borough of Tower Hamlet's Masterplan for the South Quay area is premature.

*(Officer comment: these issues are addressed within the design section of this report).*

### **London Borough of Southwark**

- 8.61 No comments.

### **London Borough of Greenwich**

- 8.62 Greenwich Council objects to the proposal to construct a tower of up to 68 storeys. The Council expresses concern on the excessive height of

a development that would be located significantly to the south of the existing Canary Wharf cluster of tall buildings. The proposed development will bring new tall buildings even closer to the northern edge of the Maritime Greenwich World Heritage Site, and as a result, would have detrimental impact on the setting of the World Heritage Site and the panoramic views from General Wolfe Monument in Greenwich Park, contrary to Greenwich's policies and the London View Management Framework Supplementary Planning Guidance, March 2012.

*(Officer comment: These issues are addressed within the main body of the report).*

#### **Greater London Authority (GLA):**

- 8.63 London Plan policies on housing, affordable housing, strategic views, World Heritage Sites, historic environment, urban design, tall buildings, Blue Ribbon Network, inclusive design, climate change and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

**Housing:** Further detail should be provided on the residential quality of the proposals, particularly in relation to the standards contained in the Housing SPG. In the context of the emerging Supplementary Planning Document for the South Quay area, further discussions are required concerning the capacity of existing local amenities, infrastructure and services to support the development, before the proposal can be considered acceptable with regards to density.

*(Officer comment: The applicant has provided further clarification regarding housing quality. If the application were to be approved, a condition could address the remaining matters.)*

*In relation to the impact on amenities, infrastructure and services these are addressed in chapter 9 of this report.)*

**Affordable housing:** The viability of the scheme should be fully assessed at the local level to ensure that the maximum reasonable amount of affordable housing is provided in accordance with London Plan Policy 3.12. Further information should be provided on the feasibility of social/affordable rent units, and evidence of discussions with potential providers.

*(Officer comment: Affordable Housing is addressed in chapter 9 of this report.)*

**Strategic views, World Heritage Sites and historic environment:**

The proposed building will have a negligible impact on LVMF strategic views 11B.1 and 11B.2 and the Tower of London World Heritage Site. It will have a greater impact on LVMF strategic view 5A.1 and the Maritime Greenwich World Heritage Site, marking the historic axis; however, as part of the developing cluster, it will not detract from the integrity and importance of the World Heritage Site.

*(Officer comment: The impacts on heritage assets are addressed in chapter 9 of this report.)*

**Urban design and tall buildings:** The applicant should reconsider the layout of the ground floor, clarify issues relating to the extent of glazing in the facades, and address concerns about the impact of the building of the proposed building on the Arrowhead Quay site.

*(Officer Response: The applicant has clarified issues regarding the extent of glazing. The impacts of the proposed building on the Arrowhead Quay site are addressed in Chapter 9 of this report. GLA are now satisfied with the layout of ground floor due to the active frontage provided by retail uses.)*

**Blue Ribbon Network:** The improvement to the dock edge is strongly supported.

*(Officer comment: Were the application to be approved, improvements in the dock edge (including paving, street furniture and dockside fencing & chains could be secured via the s106 agreement.)*

**Inclusive design:** Further information is required on the segregation of road and pedestrian routes; access to the car lift; Lifetimes Homes standards; the design of Blue Badge parking bays; a car parking management strategy; and mobility scooter storage and charging.

*(Officer comment: The applicant has provided clarification in respect of the car lifts, lifetime homes standards, parking bay design and mobility scooter storage and charging. If the application were to be approved, a condition / legal agreement could address the requirement for a car parking management strategy. Officers consider that the proposal, due to its location of its servicing bay would lead to conflict between pedestrians and servicing vehicles further undermining the quality and permeability of the limited and constrained public realm.)*

**Climate change:** Further information is required on overheating; DER and TER sheets; connection to the Barkantine district heating network; the number, location and floor space of the energy centres; CHP and system carbon saving calculations and running times.

*(Officer comment: The applicant has provided clarification in respect of the potential for overheating, emissions rates, energy centres and carbon saving calculations and running times. Were the application to be approved, a condition could ensure that the development could connect to the Barkantine DHN if it became available.)*

**Transport:** TfL is concerned that the changes and iterations to the plans since pre-application discussions are not in line with aims to promote pedestrian safety and disabled parking accessibility. Further discussions are required concerning the impact on DLR infrastructure. PCL and PERS audits are required before the application is referred back to the Mayor.

*(Officer comment: See TfL comments in section 8.64-8.79.)*

## **Transport for London**

### Site, Location and access

- 8.64 TfL highlight their disappointment with the number of parking spaces increasing since their pre-application discussions with the applicant. TfL highlight the site's location would support a low level of car parking.

*(Officer comment: The level of parking proposed is compliant with Policy.)*

### Car Parking & Access

- 8.65 TfL raise concerns with the ability of disabled users to use the car stacking system. TfL are also concerned that there is insufficient space for car to queue to use the single lift to the basement and the back end of a waiting car would overhang the public highway, compromising pedestrian safety and amenity.

*(Officer comment: The applicant has since provided clarification in respect of the car stacking system as well as 'reservoir' space for queuing vehicles.)*

### Cycle Parking

- 8.66 TfL confirms that the quantity of residential parking spaces is acceptable. However, the documentation does not describe the type of parking.
- 8.67 TfL confirm the number of visitor cycle parking spaces is acceptable, however they note that their proposed location under the DLR is unlikely to be acceptable due to operational access requirements for repair and emergency purposes.



*(Officer comment: The applicant has confirmed that the majority of the cycle parking will be on double stackers whilst 55 spaces will be provided by Sheffield stands.*

*The applicant has proposed an alternative location for visitor cycle parking, which could be secured by condition if the application were approved.)*

#### Trip Rate & Modal split (assessment of impacts)

##### Vehicular

- 8.68 TfL confirms that the vehicular trip rate is likely to be slightly less than for the current land use. However, due to the cumulative impacts of other developments and the congested nature of the only two roundabouts connecting the network to the Isle of Dogs, TfL considers that junction modelling would be required along with public transport capacity assessment. However, they note multi-modal trip generation assessment is reasonable and confirm that TfL will seek mitigation measures / contributions to maintain or enhance the surrounding transport network.

*(Officer comment: It is inconceivable that the use of the proposed 42 parking spaces could have a material impact on junction capacity (particularly given the likely vehicular trip generation of the existing use). In any case, TfL are now satisfied with the applicant's clarifications in respect of the extent of the submitted Transport Assessment.)*

##### Public Transport - DLR

- 8.69 TfL confirm that much of the site is within the DLR Protection Zone and a property agreement with DLR will therefore be required.
- 8.70 TfL considers there is sufficient capacity is available on DLR trains to accommodate trips to and from this development. However, as trains are already crowded from South Quay to Heron Quays, the developer should encourage walking to Canary Wharf through the provision of Legible London way-finding around the site. Furthermore, sufficient capacity is available at South Quay DLR station to accommodate the trips from this development.
- 8.71 The capacity of Canary Wharf Underground station together with the Crossrail Station when opened is sufficient to accommodate trips from this site.

*(Officer comment: Were the application to be approved, a way-finding strategy could be secured by condition.)*

##### Public Transport - Buses

8.72 TfL has identified bus capacity constraints at this location during the AM peak and is seeking a contribution of £200,000 towards additional bus capacity in the local area to be included within the Section 106 agreement.

8.73 TfL requests that the applicant clarifies whether the kerb heights meet the minimum height thresholds for bus stops. If not, TfL may seek a Section 106 contribution towards remedial works.

*(Officer comment: Were the application to be approved, a contribution towards bus capacity could be secured by way of the s106 agreement. The applicant has provided further information in respect of kerb heights for bus stands).*

#### Public Transport - walking & cycling

8.74 TfL strongly supports the provision of a second footbridge across South Dock and will support the seeking of pooled funding for this bridge.

*(Officer comment: The applicant has offered £268,043.71 towards highways improvements which may be directed towards a second footbridge).*

#### Public Transport - cycle hire

8.75 TfL is seeking pooled contributions from sites within the emerging South Quay Masterplan area towards the provision of additional cycle hire capacity. Therefore, in accordance with London Plan policy 6.9 'cycling', TfL requests that the Council secures a contribution of £70,000 within the section 106 agreement towards the provision of additional cycle hire capacity within the site's locality.

*(Officer comment: Were the application to be approved, a contribution towards cycle hire could be secured by way of the s106 agreement.)*

#### Servicing

8.76 TfL is concerned that the arrangement is very tight for turning on the site as it appears the larger vehicles, especially the 10m length, will encroach onto public open space and could come into conflict with pedestrians whose movement towards the South Quay Bridge may be impeded.

8.77 TfL also raise concern that the proposed arrangements for refuse (storing the bins in the loading bay on collection day) could take the loading bay out of use for half an hour, several times a week as recycling and general waste is collected separately.



- 8.78 TfL also requires protections in place for the DLR elevated rail supports from servicing lorries and cars accidentally hitting these supports.

*(Officer comment: Officers agree that the servicing strategy would result in conflict between pedestrians and servicing vehicles. Protection for DLR supports could be secured by condition if the application were to be approved.)*

#### Other measures

- 8.79 TfL will require the provision of a Construction Logistics Plan, Car Parking Management Plan, Travel Plan and Servicing Plan as conditions on any grant of planning permission.

*(Officer comment: These matters could be secured by condition were the application to be approved.)*

### **8.0 LOCAL REPRESENTATION**

- 8.1 In excess of 6,000 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and with a set of site notices.

- 8.2 The number of representations received from neighbours in response to notification and publicity of the application were as follows:

**No of individual responses: 47    Object: 22    Support: 25**  
**No petitions received. 0**

- 8.3 The full responses are on public file. Some of the key issues in letters of support and objection may be summarised as follows:

#### In support

- The development would boost the local economy;
- The development would provide much needed additional housing and particularly affordable housing;
- The development would see the redevelopment of a disused site;
- The proposal would provide public realm, improve the area under the DLR and deter anti-social behaviour;
- The proposal includes high quality homes;
- The scheme would provide play, leisure and other facilities for young and old people as well as families;
- The aesthetic and environmental elements of the building are commendable.

*(Officer comment: The need for additional housing, including affordable housing is recognised as a significant benefit to the*

*scheme. Nonetheless, the overall quality of the scheme is such that the benefits of the scheme do not outweigh the identified harm.)*

### **In objection**

- Overdevelopment of a restricted site;
- The height, scale mass and density of the proposal are unacceptable;
- The proposal does not integrate into the townscape;
- The development would infill the “Grand Axis” and would detract from views from General Wolfe Statue and Queen’s House;
- The development exceeds London Plan density standards and does not demonstrate the exceptional circumstances needed to justify such density;
- Lack of green space;
- Lack of supporting amenities, facilities and access to the site;
- The increased population would put further undue strain on schools, hospitals and transport infrastructure including the Jubilee Line and pedestrian bridge across South Dock;
- There are unresolved legal issue which may affect the deliverability of the site;
- The Waterside / Thames Haven estate should be subject to a Masterplan and redeveloped comprehensively;
- The proposal would increase noise and vibration to surrounding properties;
- Admiral’s Way is too small to serve a large development;
- The proposal would create noise, disturbance and dust during construction;
- The construction process would hamper the operation of other businesses on Admiral’s Way;
- Loss of light and privacy to neighbouring properties and overshadowing;
- Loss of value to neighbouring properties;
- Prejudice the redevelopment of sites to the east.

*(Officer comment: The proposed density, scale, massing and height are addressed in Chapter 9 of this Report as is the effect on local and strategic views, public realm, the impact on local services and infrastructure, noise and vibration, daylight/sunlight, privacy and overshadowing.*

*In relation to the “unresolved legal issues” these relate to rights of way, oversailing rights, rights to light and various other leaseholder/freeholder consents and land ownership matters. These are essentially private matters. If the application were to be approved, it may be appropriate that a Grampian condition be imposed to ensure that the developer secures all necessary rights prior to implementing the permission.*

*Loss of value to neighbouring properties is not a material planning consideration.*

*The Council is pursuing a South Quay Masterplan SPD to ensure that development in the Marsh Wall area comes forward in a planned and appropriate manner. Given its early stages of development it has little weight as a planning consideration.*

*In relation to construction phase impacts, the Council considers that these matters can be appropriately resolved through conditions such as a construction management plan.)*

## 9.0 **ASSESSMENT OF APPLICATIONS**

9.1 The main planning issues that the committee raised by the scheme are:

### 10: Land-use

- Principles

### 11: Density / Quantum of Development

### 12: Housing

- Principles
- Affordable Housing
- Housing Mix
- Quality of Accommodation
- Daylight and Sunlight
- Amenity Space and Public Open Space
  - o Private Amenity Space
  - o Communal Amenity Space
  - o Public Open Space
  - o Child Play Space

### 13: Design

- Policies
- Context
- Assessment
  - o Heights
  - o Setting and Local Views
  - o Architecture
  - o Grand Axis
  - o Impact on neighbouring sites
  - o Microclimate
  - o Secure by Design
  - o Inclusive design
  - o Conclusion

### 14: Neighbouring Amenity

- Privacy
- Outlook / Sense of Enclosure
- Daylight and Sunlight
  - o Permanent and Transient Overshadowing

- Solar Glare
- 15: Heritage
  - Heritage Policies and Guidance
  - Strategic Views
  - Archaeology
  - Surrounding Conservation Areas, Listed Buildings
- 16: Transport
  - Trip Rates
  - Vehicular Access
  - Car Parking
  - Cycling and Walking
  - Public Transport
    - Buses
    - DLR
    - Crossrail
    - Jubilee Line
  - Demolition and Construction Traffic
  - Servicing and Deliveries
- 17: Waste
- 18: Energy and Sustainability
- 19: Environmental Considerations
  - Air Quality
  - Noise, Vibration and Odour
  - Contaminated Land
- 20: Flood Risk and Water Resources
- 21: Biodiversity
- 22: Television and Radio Reception
- 23: London City Airport Safeguarding Zone
- 24: Health
- 25: Impact on Local infrastructure and facilities
- 26: Other financial considerations
- 27: Human Rights considerations
- 28: Equalities Act considerations
- 29: Conclusion

## **Land Use**

- 10.1 This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.
- 10.2 At a national level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and

applications should be considered in the context of the presumption in favour of sustainable development.

- 10.3 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1).
- 10.4 Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.
- 10.5 The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages mixed-use development in the area to provide a 'strategic housing component' and seeks to ensure development includes commercial space, open space and other compatible uses. The development is within a Tower Hamlets Activity Area where a mix of uses is supported, with active uses on the ground floor.
- 10.6 The scheme proposes the demolition of a vacant office building (circa 1800sqm) and the construction of a mixed use residential-led development, including retail uses at ground floor. This would not be inconsistent with London Plan Isle of Dogs Opportunity Area policies (which include Central Activity Zone policies pertaining to offices) which seek housing as well as employment growth. Moreover, the London Plan recognises there is significant potential to accommodate new homes and scope to convert surplus business capacity south of Canary Wharf to housing and support a wider mix of uses. The active (retail) uses at ground floor with residential above is also in accordance with the objectives of the policy DM1 (Tower Hamlets Activity Areas) and is in accordance, in respect of the land use, with the Site Allocation.
- 10.7 Having regard to the policies applicable to this site, it is considered that the harm associated with the loss of the (vacant) office accommodation is outweighed by the potential benefits associated with a residential-led re-development on this site. Accordingly, the principle of the proposed land uses is supported.

### **Density/Quantum of Development**

- 11.1 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.

- 11.2 The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 11.3 The site's location (setting) is within an Opportunity Area and is within easy access of Canary Wharf Major Centre and the globally significant office cluster in Canary Wharf across South Quay footbridge. Accordingly, the site is 'centrally located' for the purposes of the London Plan Density Matrix. The site's public transport accessibility is very good and is PTAL 5
- 11.4 The site area is 0.192ha (including the DLR tracks which cross the site and the exclusion zone) and contains 496 units (1319 habitable rooms). Therefore, the proposed density is 6,869 habitable rooms per hectare (2,583 units per hectare). However, the site includes the DLR tracks which are 9.5m wide and 50m long (475sqm) which is a very significant constraint and detracts from the ability of the site to mitigate its own impacts. It may be more appropriate, therefore, to consider the density measurement excluding this area. In this case, the density would increase to 9,128 habitable rooms per hectare (3432 units per hectare).
- 11.5 The London Plan matrix advises for sites with a central location and PTAL of 4-6 a density range of 650 to 1100 habitable rooms per hectare may be appropriate. London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment. Further guidance is provided by the Mayor of London Housing SPG.
- 11.6 Advice on the interpretation of density can be found in the SPG which reads as follows:
- "...the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone grappling with the thorny issue of density tends to go round in circles – moving between these two extreme positions."
- 11.7 The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide

range of complex factors. The SPG outlines the different aspects which should be rigorously tested, these include:

- inadequate access to sunlight and daylight for proposed or neighbouring homes;
- sub-standard dwellings (size and layouts);
- insufficient open space (private, communal and/or publicly accessible);
- unacceptable housing mix;
- unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
- unacceptable increase in traffic generation;
- detrimental impacts on local social and physical infrastructure; and,
- detrimental impacts on visual amenity, views or character of surrounding area.

11.8 An interrogation of this scheme against these standards in the London Plan Housing SPG is set out in the following sections of this report. However, in summary it was found that the development would be an over-development of the site, in particular:

- it would provide a limited and compromised public realm and not have a setting commensurate with a building of such significant height;
- it would overhang South Dock southern quayside providing little visual relief for people using this public realm and be overbearing and fail to provide a human scale of development at street level;
- it would not present an active and engaging frontage on its southern façade due to its awkward geometry, obscure glazing at lower levels and prominent car stacker entrance and vehicle waiting area;
- it would fail to provide high quality child play space which, as a result, would not provide high quality residential accommodation;
- the proposed servicing arrangements would bring servicing vehicles into conflict with pedestrians, further compromising the quality of the proposed public realm and would be uncomfortable for pedestrians undermining the permeability benefits of opening up this area for public use;
- There is a potential for the building 233m in height sited so close to its eastern boundary to unduly harm the housing potential of neighbouring sites to the east, particularly as these



sites would need to provide significant public realm to ensure the setting for this proposal is less inappropriate.

- 11.9 As a result, it is considered that the proposed development would not be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas. These are clear and demonstrable symptoms of over-development.

## **Housing**

### Principles

- 12.1 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" and "Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities."
- 12.2 The application proposes between 496 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan is 2,885 units, which would increase to 3,931 units in the 2014 Further Alterations to the London Plan.
- 12.3 The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

### Affordable Housing

- 12.4 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 12.5 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual



sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:

- Current and future requirements for affordable housing at local and regional levels;
- Affordable housing targets;
- The need to encourage rather than restrain development;
- The need to promote mixed and balanced communities;
- The size and type of affordable housing needed in particular locations; and,
- The specific circumstances of the site.

- 12.6 The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.
- 12.7 The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 12.8 The affordable housing offer is 25% by habitable room on-site provision. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council’s financial viability consultants. The review of the appraisal concluded that the proposed offer maximises the affordable housing that can viably be achieved.
- 12.9 The affordable housing is being offered at a 69:31 split between affordable-rented units and shared ownership units. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. The variance from policy is minor and the tenure split is supported.
- 12.10 The affordable rented units are offered at the LBTH affordable rent levels for this postcode. The 1-bed flats would be £224 per week, 2-bed flats at £253 per week, 3 bed flats at £276 per week and 4-bed flats at £292 per week. Whilst these rent levels have had an effect on development viability, they ensure that rent levels are affordable to potential occupants in this location.

## Housing Mix

12.11 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

12.12 The table below compares the proposed target mix against policy requirements:

<b>Ownership</b>	<b>Type</b>	<b>Policy requirement (%)</b>	<b>Proposed mix</b>
<b>Private</b>	Studio	0	20
	1 bed	50	40
	2 bed	30	25
	3 bed	20	12
	4+ bed	0	3
<b>Affordable Rented</b>	1 bed	30	30
	2 bed	25	25
	3 bed	30	30
	4+ bed	15	15
<b>Intermediate</b>	Studio	0	0
	1 bed	25	30
	2 bed	50	50
	3 bed	25	20
	4+ bed	0	0

12.13 The affordable-rented units are in accordance with policy. The proposed intermediate mix is 5 percentage points more than the policy for the 1-beds and 5 percentage points lower in the 3-beds. This is not a significant deviation from policy in this instance, due to the challenges around affordability for 3-bed intermediate units in high value areas.

12.14 The private mix is focussed towards studios and 1-and 2 -beds, albeit a proportion of 3+beds are proposed. Consequently, the private housing component of the development would not be policy compliant. However, it is worth noting the advice within London Mayor's Housing SPG in respect of the market housing. The SPG

argues that it is inappropriate to crudely apply “*housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements*”. The proposed mix in the market housing sector is, in the view of officers, appropriate to the context and constraints of this site and the proposed high-density development.

- 12.15 The overall mix of unit sizes and tenures would make a positive contribution to a mixed and balanced community in this location as well as recognising the needs of the Borough as identified in the Council’s Strategic Housing Market Assessment. It reflects the overarching principles of national, regional and local policies and guidance.

#### Quality of residential accommodation

- 12.16 Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 12.17 All of the proposed flats meet or exceed the London Plan minimum internal space standards. There are no single aspect north facing flats. There are no more than 8 flats per core for the affordable rented flats and 9 flats per core between levels 14-58 (private and intermediate tenures), this is considered to accord with objectives of the Housing SPG. As currently proposed some of the proposed flats would not have sufficient storage space, however this can be addressed by condition. There is no natural light to the corridors, however given the staggered nature of these corridors, natural light would only have a limited benefit in any case. The flats can be designed in accordance with the Lifetime Homes standards and 10% of units will be wheelchair adaptable (for the private and intermediate tenures) and wheelchair accessible (for the affordable rented tenures) – conditions could secure the above. The 3-bed affordable rented properties, as currently proposed, do not have separate kitchens. However, again this could be addressed by condition. The proposed flats would not be unduly overlooked by neighbouring properties and subject to appropriate conditions regarding glazing specifications and ventilation would not be subject to undue noise, vibration or poor air quality. The minimum floor-to-ceiling height is 2.5m in accordance with relevant policy and guidance.

### Internal Daylight and Sunlight

- 12.18 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. This policy must read in the context of the Development Plan as a whole, including the Wood Wharf Site Allocation.
- 12.19 The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."

### Daylight

- 12.20 The submitted ES includes Average Daylight Factor (ADF) levels available to the rooms within the proposed development in both the existing situation and when considering all the cumulative surrounding development. The Council's consultants, Delva Patman Redler (DPR) have provided as with their interpretation of the results.
- 12.21 DPR advise that, for the existing scenario, the levels of light to the proposed flats would be very good with only minor exceptions. Only 2% of rooms do not meet the necessary standard. These being some bedrooms, where small windows lead on to a balcony and it is that balcony that limits available sky visibility.
- 12.22 In the cumulative scenario, there are additional reductions in light, 11% of rooms do not meet the ADF standard. In this scenario there are also living rooms which do not meet the ADF standard. These are primarily located on the centre of the east and west elevations where other proposed tall buildings will be under a light of sight. In the worst cases, the ADF is 1.1 (as opposed to a standard of 1.5), but these are rooms which have large balconies which limit sky visibility and are larger than normal rooms. The levels of light the proposed flats would receive are generally good given the context of high rise towers in the cumulative scenario. It is worth noting, however that were the remainder of the Admiral's Way estate was to be redeveloped in line with the Site Allocation, the daylight levels to eastern façade would inevitably be impacted.

### Sunlight

- 12.23 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the

window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive good sunlight.

- 12.24 The internal sunlight potential has been tested for applicable rooms. In the baseline scenario all of the relevant rooms enjoy levels at or in excess of the standards advised by BRE. In the cumulative scenario, the south-east facing flats continue to benefit from good light whilst to the west, there are more significant reductions. This is due to the shadow caused by proposed neighbouring dwellings. Overall, however the levels of sunlight in the cumulative scenario would be commensurate with residents' expectations in this area.

#### Amenity space and Public Open Space

- 12.25 For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child amenity space and public open space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) provide guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied.

#### *Private Amenity Space*

- 12.26 Private amenity space requirements are a set figure which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 12.27 The proposal provides private amenity space to all of the flats in compliance with the above quantitative standard in the form of winter gardens. It is likely, however, that for the lower level west facing flats, the impact of the DLR line would result in uncomfortable levels of noise when the winter garden is used as a balcony and these balconies would generally have a poorer outlook.
- 12.28 It is noteworthy that, without mitigation, the balconies are mostly inappropriate for their intended use in relation to microclimate (wind levels). The balconies that require mitigation (substantial parapets and 50% overhead canopies) would inevitably have a reduced perception of openness that one might otherwise enjoy from these amenity areas.

#### *Communal Amenity Space*

12.29 Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 536sqm. The proposal would provide 617.1m sqm of communal amenity space (187.3sqm of which is internal and 486.8sqm of which is on a terrace.) The internal and external spaces are located on levels 18-19 for the affordable residents and on levels 66-67 for the private flats.

*Child play space*

12.30 Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents. The scheme is predicted to contain 127.6 children (0-15 years of age) and therefore 1,276sqm of play space is required. A breakdown by age bracket is provided below:

- 53.7 children who are between 0-3 requiring 537sqm of space;
- 50.5 children who are between 4-10 requiring 505sqm; and,
- 23.4 children who are between 11-15 requiring 234sqm.

12.31 In relation to child play space, 555sqm of child play space is provided for very young children (416.5 internally and 139sqm externally). For children aged 4-10 506.4sqm of child play space is provided (218.18sqm is internal and 288.2sqm external). For older children 236.9sqm of space is provided (167.9sqm internally and 52sqm externally). Overall, 802.6sqm of the child play space is internal and 479.2sqm external – total 1281.8sqm. The internal and external spaces are located at levels 4-5 and 18-19.

12.32 Therefore, the proposed quantitative spaces standards are met. However, alongside quantitative standards a qualitative assessment is required. Consideration can be given to such matters as the amount of sun these spaces would enjoy, wind levels, noise levels and layout.

13.33 The 2011 BRE Handbook advises the overshadowing assessment is run on the Spring Equinox (March 21<sup>st</sup>) and that the amenity area should, where possible, receive two hours or more of sunlight on at least 50% of the amenity area.

12.34 The applicant has provided an assessment for the terraced areas within the proposed building. This shows that the areas on the southern side (levels 4/5 and 18/19) are generally in compliance with the standards whilst two terraces on the 4/5 floor on the eastern and



north-western side would not. The north-western terrace would receive no sunlight in either the existing or cumulative scenario.

- 12.35 Both the north-western and south-western terraced areas at Levels 4/5 are proposed for 4-10 year olds. Both of these terraces require substantial wind mitigation. This mitigation would be in the form of a 2.8m parapet along the entire western side along with 50% canopy over the majority of the terraces on this level. These mitigation measures would reduce the perception openness from these spaces, harming their ability to provide high quality outdoor space.
- 12.36 The predicted noise level for these western terraces (at the terrace edges) during the daytime is 76dB. British Standard 8233 (2014) advises that levels of 55dB Laeq.T are appropriate for outdoor amenity areas. Whilst this significant deviation from the benchmark is somewhat inevitable given the proximity of the DLR, the amenity space would, nonetheless, suffer from unpleasantly high levels of noise.
- 12.37 In terms of the layout, it is noteworthy that the 52sqm of outdoor play space for the 23/24 older children (11-15 years old) is spread across three separate terraces approximately, two at level 4/5 and one at level 18/19. It is difficult to see how these small (two approximately 16sqm and one 20sqm), fragmented spaces could be considered to provide play space suitable for this age group. Consequently, it is considered the development provides a sub-standard quality of external play space for older children.
- 12.38 In summary, it is considered that child play space (of which none is at grade and all within the building) is not of sufficient quality having regard in particular to the levels of light and openness, levels of noise pollution and the fragmented and limited nature of the older children's outdoor play space. This harm is exacerbated by the limited and compromised public realm that would accompany the development, which is addressed in the following paragraphs.

#### *Public Open Space*

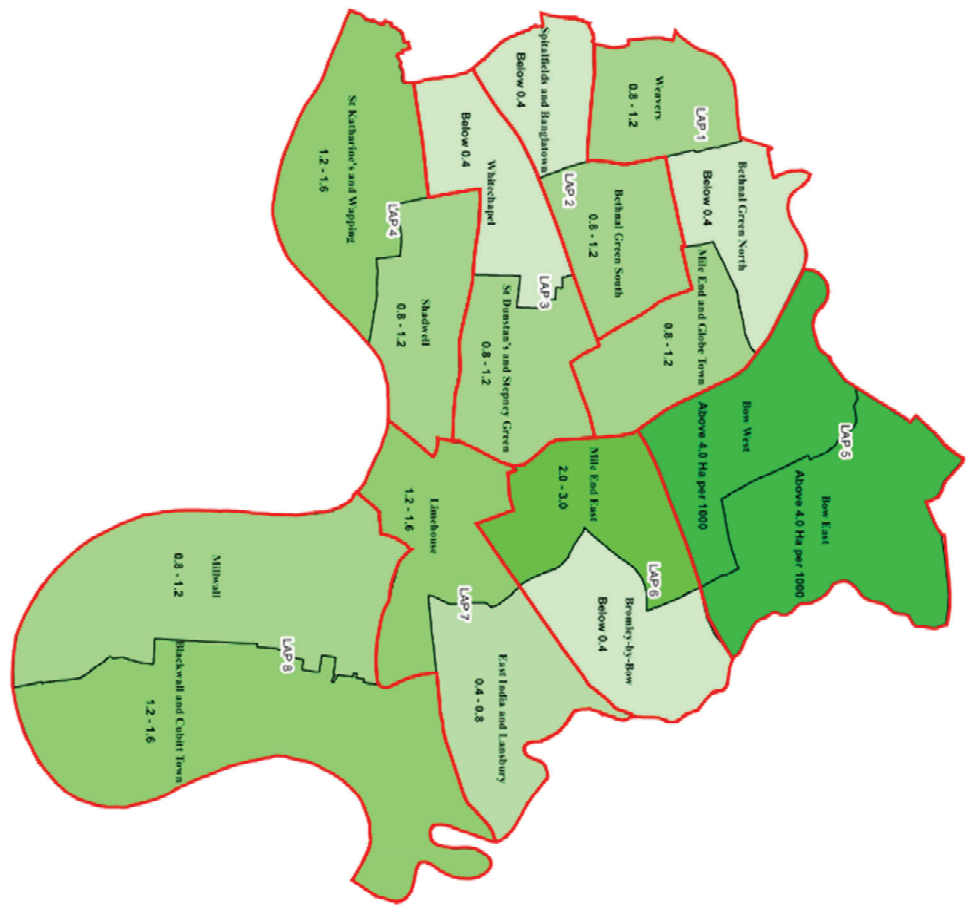
- 12.39 Public open space is determined by the number of residents anticipated from the development. The planning obligations SPD sets out that 12sqm of public open space should be provided per person. Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces can be appropriate.
- 12.40 The site area minus the footprint of the building, leaves 1,091sqm of space. 925sqm of this is on the western side of the building mostly under the DLR tracks and within the exclusion zone. This is the proposed public realm for the development.

- 12.41 The applicant has, surprisingly, not provided a Sun Hours on the Ground assessment for this area. Therefore, it is not possible to quantitatively assess the level of sunlight this area would enjoy. It is obvious, however, that sited under the DLR line, the space would not be perceived as receiving good levels of light. Moreover, the DLR tracks above also would harm any perception of openness that might otherwise be expected from an area of public realm.
- 12.42 The submitted Noise Assessment for the closest ground floor façade to this public realm predicts noise levels between 62dB to 66dB LAeq,16hr. This is well above the advised level of 55dB Laeq.T. The predicted levels of noise would be uncomfortable and further reduce any sense of pleasantness one may derive from this space.
- 12.43 The development is proposed to be serviced from a dedicated ground floor bay on the eastern side of the development which would be accessed across a front portion of the proposed public realm. This would also be a natural pedestrian desire line to/from South Quay bridge and particularly to/from the proposed affordable housing entrance lobby. Service vehicles would also reverse out of the bay across this area.
- 12.44 This inelegant arrangement would bring pedestrians into conflict with manoeuvring servicing vehicles, resulting in an awkward and uncomfortable experience for pedestrians, undermining the potential permeability benefits of opening up this area and detrimentally affecting the quality of the already limited and constrained proposed public realm.
- 12.45 Whilst mitigation measures (such as white lines, warning signs and audible warnings) may mitigate the pedestrian safety risks, these measures in themselves would further compromise any pleasantness one may derive from this area.
- 12.46 In summary, the quality of this public realm is compromised by the DLR line and, whilst opening up this area improves the permeability for the public, the benefit of this area for the proposed residents is limited particularly when considered alongside the Council's concerns regarding the other forms of amenity space proposed.
- 12.47 It is worth consideration of whether other publicly accessible open space in the wider Millwall area can wholly or partially mitigate the compromised provision of the child play and open space within the scheme itself. The GLA 'Play and Informal Recreation' SPG advises that spaces should be within a 100m for 0-4 year olds, within 400m for 5-11 and within 800m for older children. There are no spaces within a 100m or 400m for younger and the middle age groups. The closest spaces are a 176sqm facility at Stafford Street which is more than 400m away and Sir John Mcdougal Park is approximately 670m away, which is within the 800m maximum distance for older children.



- 12.48 As can be seen from the extracts below from the Council Open Space Strategy, the site (within Millwall) is in an area with one of the lower proportions of open space per 1000 population in the Borough. The Borough seeks 1.2Ha per 1000 population (see LBTH Open Space Strategy and derived from the National Playing Fields Association benchmark standards). Millwall is given a 0.8-1.2Ha rating. The second map shows the relative dearth of open space on the western side of the Isle of Dogs and the heavy reliance on Sir John McDougal Park. The third map shows the area is given a negative rating in terms of open space quality.
- 12.49 As a result of the above analysis, it is considered inappropriate to rely on other publicly accessible open space in the area to overcome the shortcomings in the quality of the provision of child play and open space within the proposed scheme.

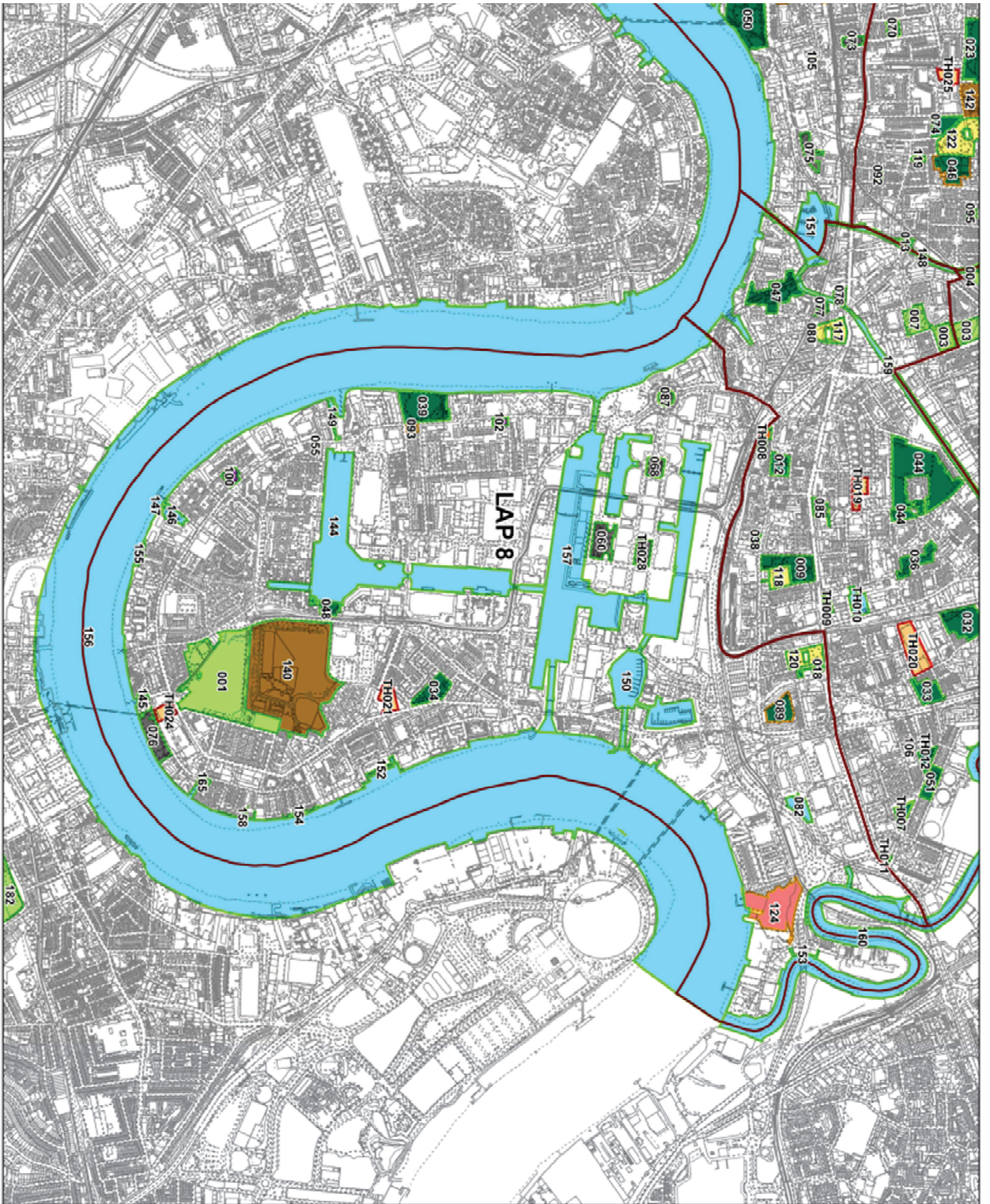
Please note that these are approximate values centred on 2003 ward boundaries. The values are for publicly accessible open space, without water front spaces such as rivers and docks.



<p><b>Tower Hamlets</b> Open Spaces Strategy</p>													
<p>Open Spaces per 1000 Population by Ward</p> <p>Map No: 17</p>													
<p><b>Area of Publicly Accessible Open Space in Hectares per 1000 Population</b></p> <ul style="list-style-type: none"> <li>Below 0.4</li> <li>0.4 - 0.8</li> <li>0.8 - 1.2</li> <li>1.2 - 1.6</li> <li>1.6 - 2.0</li> <li>2.0 - 3.0</li> <li>3.0 - 4.0</li> <li>Above 4.0 Ha per 1000</li> </ul> <p>□ LAP Boundaries</p>													
<p>Scale: 1:30,000 at A3</p>													
<p>Revised by: K. Kane (L8TH) August 2005</p> <table border="1"> <tr> <td>Drawn by:</td> <td>Checked by:</td> <td>Revision:</td> </tr> <tr> <td>DCH</td> <td>BB</td> <td>FINAL</td> </tr> </table> <table border="1"> <tr> <td>Map No:</td> <td>Date:</td> <td>Job No:</td> </tr> <tr> <td>17</td> <td>24 Feb 2005</td> <td>D701447</td> </tr> </table>		Drawn by:	Checked by:	Revision:	DCH	BB	FINAL	Map No:	Date:	Job No:	17	24 Feb 2005	D701447
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<p><b>Tower Hamlets</b> Open Spaces Strategy LAP 8 Framework Map Map No: 11</p>	
<p><b>Primary Purpose for Definition</b></p> <ul style="list-style-type: none"> <li>Open Spaces</li> <li>Allotments/City Farm</li> <li>Burial Ground</li> <li>Civic Space/Water Front</li> <li>Ecological</li> <li>Housing Open Space</li> <li>Local Park</li> <li>Major Park</li> <li>Outdoor Sports Facilities</li> <li>Playground</li> <li>Square/Garden</li> </ul>	
<p><b>Accessibility</b></p> <ul style="list-style-type: none"> <li>Restricted</li> <li>Partially Restricted</li> <li>Unrestricted</li> </ul>	
<p><b>LAP Boundaries</b></p>	
<p>Revised by: K. Kane (LBTH) August 2005</p>	
<p>Drawn by: DCH</p>	<p>Checked by: BB</p>
<p>Map No: 11</p>	<p>Date: 24 Feb 2005</p>
<p>Scale: 1:14,000 at A3</p>	<p>Job No: D/10/1447</p>
<p>Revised by: K. Kane (LBTH) August 2005</p>	
<p>Drawn by: DCH</p>	
<p>Checked by: BB</p>	
<p>Map No: 11</p>	
<p>Date: 24 Feb 2005</p>	
<p>Scale: 1:14,000 at A3</p>	
<p>Job No: D/10/1447</p>	
<p>Revised by: K. Kane (LBTH) August 2005</p>	
<p>Drawn by: DCH</p>	
<p>Checked by: BB</p>	
<p>Map No: 11</p>	
<p>Date: 24 Feb 2005</p>	
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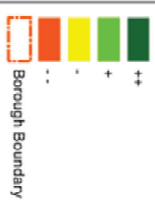
1:10147 Tower Hamlets Open Spaces Strategy Framework Map No: 11



Site Quality Score

Map No: 16

Open Space Quality Scores  
Q & V compared  
to standards



Revised by OAR (LETH) May 2011

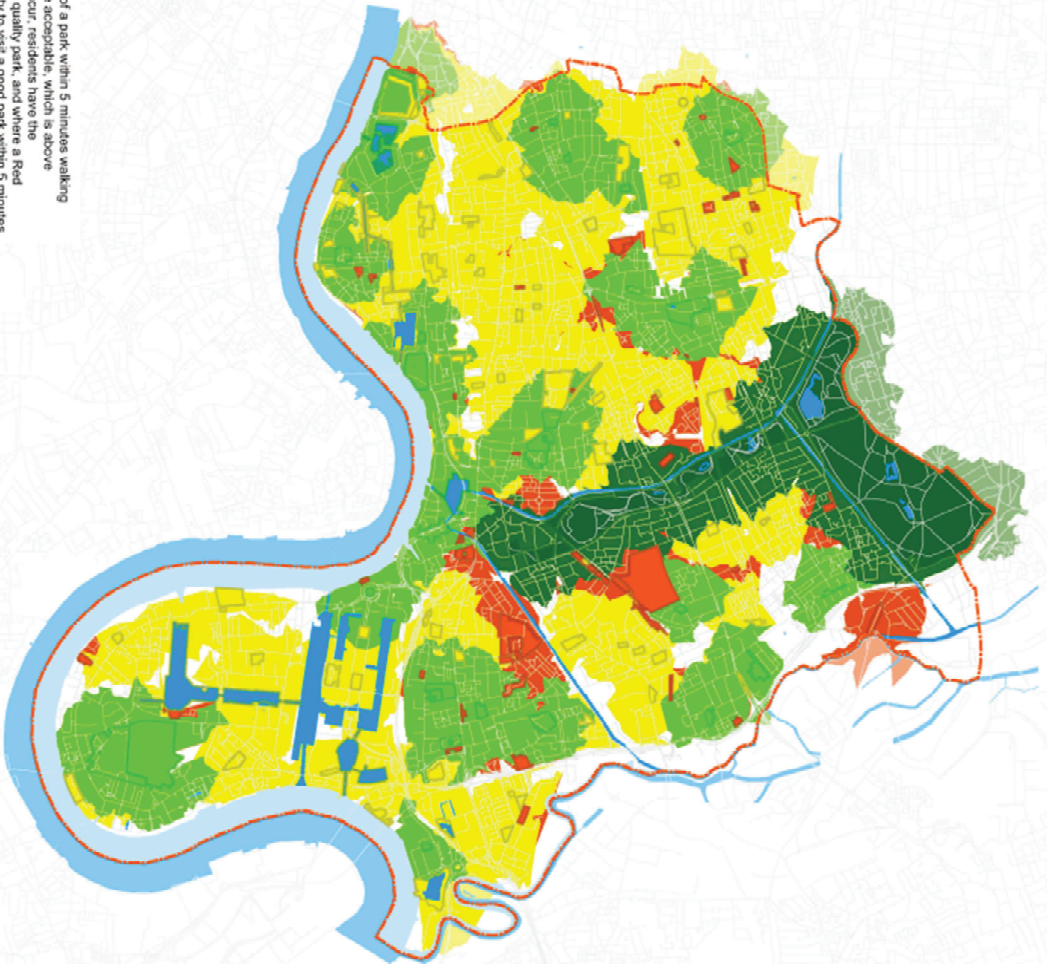
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Map No:	Date:	Job No:
15		

Scale: 1:30,000 at A3



Each catchment represents the quality of a park, within 5 minutes walking time. Quality is layered with good above acceptable, which is above poor. Thus where Green catchments occur, residents have the opportunity to walk 5 minutes to a good quality park, and where a Red catchment occurs, there is no opportunity to visit a good park, within 5 minutes. White indicates areas where there is no access to any park or open space within 5 minutes walk.



## Design

### Policies

- 13.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 13.2 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 13.3 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 13.4 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 13.5 Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations. In this case the site is within an Activity Area, which is the next one 'down' in the hierarchy.
- 13.6 Specific guidance is given in the London Plan and DM26 in relation to tall buildings. The criteria set out in DM26 can be summarised as follows:
- Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
  - Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the Canary Wharf Major Centre and surrounding residential areas;
  - Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its

scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies and other townscape elements;

- Provide a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters
- Not adversely impact on heritage assets or strategic and local views including their settings and backdrops;
- Present a human scale of development at street level;
- Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;
- Not adversely impact on microclimate of the surrounding area, including the proposal site and public spaces;
- Not adversely impact on the setting and of waterbodies and views to and from them.

13.7 The Local Plan Site Allocation for Millennium Quarter seeks comprehensive mixed-use development to provide a strategic housing development and sets out a number of design principles which are drawn from the Millennium Quarter Masterplan (2000). The design principles include:

- “Respect and be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its dockside location; specifically it should step down from Canary Wharf to the smaller scale residential areas south of Millwall Dock;
- Protect and enhance the setting of...other surrounding heritage assets including the historic dockside promenade;
- Development should be stepped back from the surrounding waterspaces to avoid excessive overshadowing and enable activation of the riverside;
- Create a legible, permeable and well-defined movement network...”

13.8 As identified in the London Plan, the Blue Ribbon Network is spatial policy covering London’s waterways and water spaces and land alongside them. Blue Ribbon Network policies within the London Plan and Local Plan policy DM12 requires Council’s, inter alia, to ensure:

- that development will provide suitable setbacks, where appropriate from water space edges;
- development adjacent to the Network improves the quality of the water space and provides increased opportunities for access, public use and interaction with the water space.

### Context

- 13.9 The site is situated with the northern area of the Isle of Dogs which has seen significant change over the last twenty years. At its heart is the Canary Wharf Estate, with One Canada Square its focal point at 50 storeys (245m AOD).
- 13.10 Canary Wharf comprises offices and retail malls and is a thriving financial and business district as well as a major town centre. The area has become a place which is recognised globally as a focus for banking and business services and as playing a major role in enhancing London's position in the global economy.
- 13.11 To the east of the Canary Wharf Estate is a vacant site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved in July to approve an outline scheme for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m (AOD). It is noteworthy that heights within the Wood Wharf scheme generally drop off to the east towards the more modest housing within the Coldharbour area.
- 13.12 On the western side of, Canary Wharf Estate at the western ends of North and South Dock and with the River Thames behind (i.e. further to the west), there are a number of approvals for substantial residential and office towers (these being Newfoundland (226m AOD), Riverside South (241m AOD), Hertsmere House (Colombus Tower) (242m AOD) and City Pride (239 AOD)).
- 13.13 To the south of Canary Wharf is South Dock, a water body that is circa 80m wide.
- 13.14 On the southern side of South Dock is a main east-west road, Marsh Wall. Along Marsh Wall there are number of recent developments and approvals including Landmark Towers, 145m high, Pan Peninsula 147m high and an approval for a hotel at 40 Marsh Wall for a 38/39 storey hotel.
- 13.15 There are also a number of current applications within this South Quay / Marsh Wall area for substantial residential towers including at South Quay Plaza, Arrowhead Quay and 2 Millharbour. However, since they have yet to reported to Committee, significant weight cannot currently be given to these proposals.

- 13.16 To the south of Marsh Wall, heights drop off relatively rapidly, with areas behind Marsh Wall as little as 4 stories in height and generally in residential use.
- 13.17 It is possible to draw some conclusions about the townscape in this area. Canary Wharf is a cluster of large floorplate towers and other office buildings, forming the heart of this tall building cluster. To the west are a number of approvals for tall towers which would act as markers at the end of the dock with the River Thames behind which would provide the setting for these towers to 'breathe'. Along Marsh Wall, there is a transition in heights from City Pride marking the end of the South Dock, with more modest towers at Landmark, the approved hotel at 40 Marsh Wall and the two residential towers at Pan Peninsula.
- 13.18 It is within this existing and emerging context, that this proposal must be considered.

#### Assessment of Height

- 13.19 The application site is 0.19Ha in size, including the DLR crossing and the exclusion zone. Whilst excluding the DLR tracks would reduce the net site area to 0.147Ha. The proposal is for a single residential tower 233m (AOD) in height.
- 13.20 The Tower Hamlets Local Plan sets out a location-based approach to tall buildings in the borough focussed around the town centre hierarchy. The Core Strategy identifies Aldgate and Canary Wharf as two locations for tall building clusters within the borough; whilst policy DM26 sets out a hierarchy for tall buildings in the borough ranging from the two tall building clusters at Canary Wharf and Aldgate followed by the Tower Hamlets Activity area (in which Quay House is located), district centres, neighbourhood centres and main streets, and areas outside town centres.
- 13.21 Furthermore, policy DM26 sets out criteria for assessing tall buildings. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.
- 13.22 For the Tower Hamlets Activity Area, the policy, inter alia, sets out the need to demonstrate how the building responds to the change in scale between the tall buildings in Canary Wharf cluster and the surrounding lower rise residential buildings.
- 13.23 The proposed scheme at 68 storeys (233m AOD) is just a few metres lower than 1 Canada Square which is the tallest building within the Canary Wharf Cluster. Whilst the recently consented City Pride



building is 239m AOD (75 storeys), there is a very different context to the location of Quay House. As referred to above, the development at City Pride marks the end of South Dock. On the other hand, the sites in the immediate vicinity of Quay House are much lower in scale including the consented 40 Marsh Wall (38 storeys).

- 13.24 The scheme at 68 storeys is of a completely different scale to surrounding buildings within the Marsh Wall / South Quay area, including the 145m/147m residential towers at Landmark and Pan Peninsula and does not comply with the adopted Town Centre hierarchy approach set out in policy DM26 for the location of tall buildings.

#### Assessment of setting and local views

- 13.25 The proposal, if built, would be the tallest residential tower in the country. With any tall building, there is an expectation that it would be situated within a quality of public realm commensurate with its height and prominence. In this case, the proposal is surrounded to the east by ill-defined and impermeable car parking and open space associated with the low-rise 1980's offices of Admiral's Estate and to the west by the DLR line. The proposed public realm contribution is underneath the DLR tracks, which result in this area having a poor sense of openness and daylight and high levels of noise. The quality of these spaces is severely compromised. As a consequence, the proposal would appear incongruous with its setting and insensitive to its local context.
- 13.26 It is evident in the Design and Access Statement (DAS) that the approach during design development was one of coming up with various options for the tall building based on a brief and architectural design that has little to do with the existing context of the site or local planning policy. The options developed for testing the scheme makes no reference to the need to respond to the lower rise building within the Activity Area and to relate to the dockside setting (DAS Page 46) and instead the focus is on the scale of Canary Wharf cluster. As a consequence, it fails to demonstrate how the development would successfully transition the difference in scale of buildings between Canary Wharf and the surrounding residential areas.
- 13.27 Some of the local views of the scheme illustrate how incompatible a scheme of this scale is at the local level. For example, the view on page 73 of the DAS shows how the proposed scale of the building is out of context within its setting. The Local Plan rationale for managing building heights at the local and strategic levels is to ensure that places are respectful of the local area whilst serving the strategic needs to frame and manage tall building clusters. The scheme fails to make an appropriate local response as illustrated in some of the local views.

- 13.28 Proposed elevations E & F – Emerging Context shows the scheme and its relationship to the dock and to the Canary Wharf Cluster. The projecting podium of the building forms the base for the tower that orients at a 45 degree angle to take advantage of the views. However, this revolved tower also projects over the entire dockside walkway. This raises concerns around the impact of the proposed tower as it rises immediately over the dock with little visual relief for those using the dockside walkways. It is important to note that the dockside walkway is a significant piece of public realm in constant use. The projecting podium of the tower and the 61 storey tower rising above it over the dockside walkway will present an overbearing impact on the walkway and from the footbridge.
- 13.29 Furthermore, the development as seen in local views from the south has some awkward elements. In particular, the geometry of the second and third floor element with its obscure glazed façade, forms a bulky protrusion and allied with the car stacker entrance (and car waiting area) at ground level immediately below, is not considered to present an active or engaging frontage.

#### Architecture

- 13.30 In so far as one can divorce the architecture of the building from its context and how it relates at street level, it is considered the elevational treatment of the upper elements (5<sup>th</sup>/6<sup>th</sup> floor and above) of the buildings are of a high standard. It would provide visual interest and contrast along with a slender profile, particularly when compared with the commercial tall buildings within the Canary Wharf estate.

#### Grand Axis

- 13.31 The applicant argues that the rationale for a building of this height is to mark ‘the Grand Axis’ that runs through the site. They refer to the Maritime Greenwich World Heritage Site Management Plan (Third review) as needing to mark the lost opportunity to ‘resurrect the relationship of the new buildings there with the Grand Axis’. Such an argument, though a useful starting point in developing ideas for shaping design of a scheme, needs to be situated within its local as well as its strategic context.
- 13.32 Firstly, there are no policies within the Development Plan that seek to encourage buildings to mark this Grand Axis by locating tall buildings along the axis. Such an important decision about marking the axis cannot be the role of one site or one scheme but a public policy matter that should encapsulate a shared vision. In any case, a building of such height and prominence should be of outstanding design in all ways and a building that is out of context and harmful in its local setting, cannot be justified by its impact on long-range views.

- 13.33 Secondly, there are a number of sites that fall on the Axis. Any one of these sites could serve such a purpose (if such a purpose were to be considered a worthy one), including sites closer to the General Wolfe Statue which could just as effectively mark the axis with a smaller building due to its closer proximity to the Statue.
- 13.34 Thirdly, the Grand Axis is already compromised by existing buildings. It is unlikely that such a monumental piece of civic design whose visibility is already compromised by buildings can be resurrected by a tall residential building that is out of context within its local area. In any case, it is noted within the submitted THVIA, that other cumulative schemes, if built, would weaken the ability of the proposed tower to 'mark' the Axis in a strong and convincing manner.

#### Impact on neighbouring sites

- 13.35 The applicant has included in the DAS a scheme for the neighbouring sites in Admiral's Way Estate. In summary, it proposes buildings set away from the Dock in an arc from Quay House with public realm to the front. It is considered that such an approach would fail to provide an appropriate level of enclosure to South Dock and leave an ill-defined public realm in front of the buildings. Moreover, it depends on Admiral's Way coming forward in a certain form that takes into account the scale of the Quay House site proposal by providing significant open space that would benefit the Quay House proposal.
- 13.36 In this comprehensive redevelopment approach presented by the applicant, there is no contribution from Quay House towards that wider vision beyond suggesting how the other blocks should be built without compromising the development of the Quay House proposal. A scheme of such density without any contribution towards the development of neighbouring sites but instead relying on neighbouring sites to provide open space on a sufficient scale for the setting of its own development would compromise the delivery of housing and growth within the Tower Hamlets Activity Area.

#### Microclimate

- 13.37 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 13.38 The Environmental Statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonable level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.

- 13.39 The microclimate impact on balconies and terraces is addressed elsewhere in this report. The wind levels at ground level are generally suitable, however some mitigation would be appropriate in the form of landscaping. Were the application to be approved this could be addressed by way of condition.

#### Secure by Design

- 13.40 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.
- 13.41 In general, the proposed layout and mix of uses provides some activity at street level and natural surveillance. The Metropolitan Police Crime Prevention Design Advisor has no objections to the scheme and advises that were the application to be approved a condition should be imposed to ensure that the scheme meets Secured by Design section 2 Certification.

#### Inclusive Design

- 13.42 Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 13.43 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The development has been designed with the principles of inclusive design in mind.
- 13.44 Entrances provide level access, outdoor spaces are either level or gently sloping and the car parking is accessible to disabled users and 10% of spaces would be reserved for blue badge users. Wayfinding strategies could be designed with less-able and less-mobile pedestrians in mind. Communal amenity spaces are accessible to less-able users.
- 13.45 The proposed new homes could be conditioned to comply with 'Lifetime Homes' standards, and provide for 10% of housing units to be wheelchair adaptable (or wheelchair accessible for the affordable rent tenure) across a range of tenures and unit sizes.

#### Conclusion

- 13.46 The proposed development would exhibit clear and demonstrable signs of over-development, in particular:

- 13.47 The proposal would provide limited and compromised public realm and would not have a high quality setting commensurate with a building of such significant height.
- 13.48 Furthermore, the development by reason of its cantilevered projection over the quayside walkway would present little visual relief and would be overbearing from this important element of public realm, failing to create a human scale of development at street level.
- 13.49 The proposed development would fail to present an active or engaging frontage on its southern façade by reason of its awkward geometry, obscure glazed treatment above ground level and prominent location of the car stacker entrance and vehicle waiting area.
- 13.50 There is potential for the building 233m in height sited so close to its eastern boundary to unduly harm the housing potential of neighbouring sites to the east, particularly as these sites would need to provide significant public realm to ensure the setting for this proposal is less inappropriate.
- 13.51 Consequently, the proposal would fail to sensitively relate to its context or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas.
- 13.52 The proposal as a whole would not provide sufficient public benefits to outweigh the harm identified and would be contrary to London Plan and Local Plan policies on tall buildings and optimising (rather than maximising) housing output.

### **Neighbouring amenity**

- 14.1 Policy DM25 of MDD requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.
- 14.2 The effects on microclimate, noise and air quality are assessed elsewhere in this report. However, the cumulative impacts of all these potential effects on neighbouring amenity are considered in the conclusion of this section.

- 14.3 There are two scenarios considered in this section. The first looks at the proposed development with existing buildings only. The second looks at the proposed development with existing and cumulative schemes (i.e. nearby consented and proposed buildings).

Privacy, outlook and sense of enclosure

- 14.4 In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.
- 14.5 In the existing scenario, the proposed development is surrounded by commercial development to the east and west and South Dock to the north and Admiral's Way / Marsh Wall to the south respectively. Accordingly, it would not result in a loss of privacy to existing neighbouring residential occupiers.
- 14.6 In relation to the cumulative scenario, the development would have a circa 20m gap between the proposed Quay House and Arrowhead Quay buildings. Moreover, Quay House's windows are angled away from directly overlooking the Arrowhead Quay. The proposal is not, therefore, considered to result in a significant loss of privacy to potential occupiers of an arrowhead quay development.
- 14.7 In respect of development to the east, the proposed Quay House scheme is circa 3m from the neighbouring site to the east. There are no current proposals for this part of the Admiral's Way estate, however it is allocated with the Millennium Quarter Allocation for redevelopment for 'a strategic housing component'. Therefore, this development would require a proposed development on this site to be set circa 18m away from the boundary, particularly as Quay House relies on east facing windows to provide daylight to a significant portion of the proposed flats. Within the applicant's Design and Access Statement, they have set a suggested manner in which this estate could be redeveloped taking account of the proposed Quay House scheme. However these buildings would be set away from the dock in an arc from Quay House and would fail to provide an appropriate level of enclosure to South Dock and leave an ill-defined public realm in front of the buildings.
- 14.8 The assessment of sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. The impact on public vistas and the proposed public realm are discussed elsewhere in this Report. However, in relation to views from neighbouring properties, there is a sufficient distance to ensure that the development would not unduly impact on outlook or create a



sense of enclosure from neighbouring existing and future developments.

#### Effect on daylight and sunlight of neighbouring dwellings

- 14.9 DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.
- 14.10 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 14.11 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at least 27% VSC or retain at least 80% of the pre-development VSC value.
- 14.12 The NSL is a measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.
- 14.13 Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 14.14 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 14.15 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.

- 14.16 If the available annual and winter sunlight hours are less than 25% and 5% of annual probable sunlight and less 0.8 times their former value, either the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight.
- 14.17 The application is supported by a Daylight and Sunlight Assessment (DSA). The Council appointed specialist daylight and sunlight consultants, Delva Patman Redler (DPR) to review this Assessment. Their findings are set out below:

#### Existing Scenario

##### Daylight - Discovery Dock West apartments

- 14.18 There will be 49 out of 120 windows that experience a reduction below the BRE recommended level for VSC. In general, however, the reductions are below 25% from existing and the remaining levels of daylight are relatively good for an urban location. The NSL standard is met. The impact is minor adverse.

##### Daylight - Block Wharf, 19-26 Cuba Street

- 14.19 5 windows out of 99 will not meet the BRE standard for VSC. The windows that do not pass are to living / dining rooms, where there are other windows to those rooms that experience more modest reductions and are within the BRE standards. The rooms, therefore, are left with good levels of daylight and the impact is minor adverse. The NSL standard is met.
- 14.20 The impacts on the following properties are compliant for both VSC & NSL:
- Phoenix Heights, 4 Mastmaker Road
  - 1 Bosun Close
  - 10/14 & 24/28 Tideway House
  - Dowlen Court, 29 Byng Street
  - 74 Manilla Street (North Pole Public House)

#### Sunlight

- 14.21 The development site is located to the north of most of the neighbouring buildings tested for the application. The only property that would experience a reduction in sunlight of greater than 20% from existing is 19/26 Cuba Street. The impact on that building would be minor adverse and the impact on the other neighbouring buildings would be negligible.

#### Cumulative Scenario

##### Daylight



Discovery Dock West apartments

- 14.22 In the cumulative analysis, 36 additional windows would not meet the VSC requirement and two rooms would not meet the NSL requirement, but the actual percentage losses are generally small. The impact is, therefore, minor adverse.

Phoenix Heights, 4 Mastmaker Road

- 14.23 In the cumulative analysis, there are some rooms which do not meet the required standard, with two rooms experiencing a reduction in VSC of 27%, and with living room windows experiencing a reduction of more than 20%, but where those living rooms have multiple windows, and the other windows are otherwise compliant. We therefore agree that the impact is minor adverse. The NSL standard is met in this scenario.

1 Bosun Close

- 14.24 The impact is compliant for both VSC & NSL.

10/14 & 24/28 Tideway House

- 14.25 In the cumulative analysis, the cumulative effect of the proposed development on these properties is compliant with BRE standards when compared with the other cumulative schemes in place, the impact is minor adverse. The NSL standard is met in this scenario.

Dowlen Court, 29 Byng Street

- 14.26 The impact is compliant for both VSC & NSL.

74 Manilla Street (North Pole Public House)

- 14.27 There are windows in this property which experience reductions of VSC of more than 20% from existing. These are on the first & second floors, but only two windows do not meet that standard when other windows to the same rooms are left with relatively modest reductions in daylight. Therefore, the cumulative impact is minor adverse. The NSL standard is met.

Block Wharf, 19-26 Cuba Street

- 14.28 In the cumulative scenario, the proposed scheme causes no effective reduction in VSC over the cumulative baseline and therefore the impact is negligible. The NSL standard is met.

Arrowhead Quay

- 14.29 Arrowhead Quay is one of the sites that is included in the cumulative analysis. As such the ADF method of analysis for this property is more appropriate to assess the level of daylight that the building will be left with, rather than a reduction in daylight, where no current daylight is being enjoyed by an existing building on that site.
- 14.30 The daylight that would be available to the proposed Arrowhead Quay buildings in the existing scenario, i.e. without taking account of the Quay House development, show that these buildings would have relatively low levels of ADF with many rooms below the minimum recommended level for their room use. This is principally the result of recessed balconies limiting sky visibility. The Quay House scheme proposal will reduce these levels of ADF very noticeably, and to rooms on all floors in the east tower and the lower four floors on the west tower. Reductions are substantially more than 50% from the ADF that they would have enjoyed if Quay House was not developed, and there are reductions of up to 90% from that level. In the worst cases, there are bedrooms that will be left with ADF values as low as 0.07. Therefore, it is clear that some of the rooms in the currently proposed Arrowhead Quay scheme, in particular the East Tower, will have a very poor level of internal illuminance.
- 14.31 An assessment, testing the ADF that would be available to those rooms within the proposed Arrowhead Quay scheme if the balconies were omitted, has been undertaken. This shows that the effect is largely as a result of the proposed design of Arrowhead Quay. However, it does not change the fact that the rooms themselves would be left with very poor levels of light if both developments went ahead and the effects are major adverse.
- 14.32 It is noteworthy that the proposed East Tower of the Arrowhead Quay scheme is situated, at its closest point, circa 2m from its eastern boundary, has an orientation such that windows on its eastern façade face directly towards the Quay House site and has single aspect flats reliant on east facing windows recessed under balconies. The low level of daylight that the occupiers of Arrowhead Quay would receive is significantly related to the design choices for that scheme rather than an undue impact from the Quay House proposal. In any case, the weight given to the Arrowhead Quay scheme is limited, the Council has not resolved to approve the application and it is evident that there are many ways to develop that site which could achieve different levels of daylight for future occupiers of that site.
- 14.33 In summary, it is not considered that the proposed Quay House scheme unduly fetters the Arrowhead Quay site in respect of daylight potential.

30 Marsh Wall

14.34 30 Marsh Wall is one of the sites that is included in the cumulative analysis. The results show that the proposed ADF values for 30 Marsh Wall, when assessing the proposed scheme in relation to the existing baseline only, will generally leave the rooms with above the minimum recommended levels of ADF, with the exception of some living / dining / kitchens which will however have levels of ADF above 1% and where the levels of ADF are limited by the presence of private balconies and winter gardens. On balance the effect should be considered to be minor to moderate adverse.

14.35 In the cumulative scenario, there are virtually no additional losses caused by the proposed development against the cumulative results, although the cumulative baseline means that the rooms to 30 Marsh wall will have relatively low levels of ADF. However, the impact of the Quay House development in the cumulative scenario is negligible.

#### 63/69 Manilla Street

14.36 This is one of the sites that are due for development. Where comparing the proposal to the existing scenario, and allowing an ADF value of 1.5% for a living / dining rooms / kitchens, the scheme proposals can be considered to comply with BRE standards. The impact is therefore negligible.

#### Sunlight

14.37 For existing residential occupiers, there would be little additional harm as a result of Quay House in the cumulative scenario as compared in the first scenario tested.

14.38 For the occupiers of potential future developments, Arrowhead Quay, 30 Marsh Wall and 62/69 Manilla Street, sunlight levels will be relatively low, particularly to the east facing elevations where sunlight will be obstructed by the proposed development. The Council's consultant advises, however, that the levels of sunlight are likely to be commensurate with expectations of occupants in an urban area of tall buildings as this location will be.

#### Shadow Analysis (Sun hours on the ground)

14.39 The BRE guidance advise that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no less than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21st of March.

14.40 There are three sensitive amenity areas: the existing South Dock and the proposed amenity spaces to Arrowhead Quay and Quay House.

The applicant has, surprisingly, not carried out a Sun Hours on the Ground assessment on their own proposed amenity space.

- 14.41 The results show for both scenarios the proposed development would not cause a significant overshadowing effect on South Dock.
- 14.42 In relation to the proposed amenity space to the Arrowhead Quay proposal, the effect of Quay House in both scenarios would be negligible.

#### Transient Overshadowing

- 14.43 The BRE guidance give no criteria for the significance of transient overshadowing other than to suggest that by establishing the different times of day and year when shadow will be cast over surrounding areas an indication is given as to the significance of the proposed development's effect. As such, assessment of the potential effect associated with transient overshadowing is made based on expert judgement.
- 14.44 Transient overshadowing diagrams (on hourly internals throughout the day) have been undertaken at three dates: 21<sup>st</sup> March, 21<sup>st</sup> June and 21<sup>st</sup> December in order to understand the shadowing effects of the development.
- 14.45 The results show that Quay House, with its relatively slender form, does not cast an unduly significant shadow. In the cumulative scenario it is also noteworthy that it overlays shadows from other proposed buildings.

#### Solar Glare

- 14.46 Solar Glare is caused by the direct reflection of the sun's rays on reflective surfaces of buildings such as glass or steel cladding. There are no quantitative criteria within the BRE Guidance or elsewhere as to what is acceptable or not for solar glare. It is therefore a professional judgement as to the likely effect of solar glare associated with a particular development, generally though glare reflected at steeper angles is less likely to cause nuisance or distraction as you have to look upwards to see it. The Council's consultants advise that the proposed scheme would not cause undue solar glare and mitigation measures are not required.

#### Conclusion

- 14.47 Having regard to the effects of this proposed development on neighbouring amenity in regards to microclimate, noise and air quality along with the effects on privacy, outlook, sense of enclosure, daylight, sunlight, overshadowing and solar glare and light pollution it is considered that the development would not result in an

unacceptable material deterioration/loss of amenity to existing and proposed neighbouring buildings. However, it is noteworthy, that no consideration has been given to the effect of the development potential of the remainder of Admiral's Way. The proposal almost abuts its eastern boundary and it is likely that any future development on the neighbouring site would have to be set substantially away from the boundary were Quay House to be built.

### **Heritage**

- 15.1 The environmental statement (ES) assesses the likely effects of the proposed development on two strategic views within the London View Management Framework (namely 11B.1 from London Bridge and 5A.1 from Greenwich Park). The ES also assesses the likely effects of the development on archaeology on and around the site.
- 15.2 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 15.3 London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 15.4 Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The two strategic views referred to above are 'designated' heritage assets, whilst it is considered that the potential archaeological remains are 'non-designated' heritage assets.

### Strategic Views

- 15.5 The development has the potential to affect two views, which are designated as Strategic within the London View Management Framework; the London Panorama's from those from Greenwich Park (LMVF View 5A.1) and London Bridge (LMVF View 11B.1).
- 15.6 The LVMF SPG describes the downstream River Prospect from London Bridge (Assessment Point 11B.1) as providing views to the Tower of London World Heritage Site, Tower Bridge, and beyond, to the rising ground at Greenwich and the cluster of towers at Canary Wharf. The visual management guidance states that Tower Bridge should remain the dominant structure from Assessment Point 11 B.1 and that its outer profile should not be compromised. The Heritage

and Townscape Visual Impact Assessment (HTVIA) analysis shows that the proposal will appear in the distance, to the left (north) of Tower Bridge, behind the Tower Hotel, and to the right (south) of the main tower cluster at Canary Wharf. It will have no impact on the silhouette of Tower Bridge or the Tower of London. Overall, the proposal will have a negligible impact on the LVMF SPG view and the setting of listed buildings. The HTVIA analysis shows that the effect of consented proposals will be to link the Quay House proposal to the main cluster of tall buildings at Canary Wharf. Although the HTVIA does not include an analysis of Assessment Point 11B.2, the LVMF SPG focuses on the importance of the clear backdrop of the White Tower of the Tower of London from this Assessment Point, and the proposal will have no impact on this.

- 15.7 The LVMF SPG describes the London Panorama from the General Wolfe Statue in Greenwich Park (Assessment Point 5A.1) as taking in the formal, axial arrangement between Greenwich Palace and the Queen's House, while also including the tall buildings on the Isle of Dogs. This panorama is located in the Maritime Greenwich World Heritage Site. Paragraph 146 of the LVMF SPG states that:

"The composition of the view would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London. However any consolidation of clustering of taller buildings on the Isle of Dogs needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary's House could be appreciated."

- 15.8 This refers to the axial arrangement of Greenwich Palace and the Queen's House, which was later extended by St. Anne's Church at Limehouse, All Saints Church on Blackheath, and the General Wolfe Statue. With reference to St. Anne's Church, the Maritime Greenwich World Heritage Site Management Plan (Third Review 2013) describes this as 'the Grand Axis' (Outstanding Universal Attribute 3) and states that:

"Unfortunately, visibility of this monumental piece of civic design has been lost. Despite the early buildings of Canary Wharf being located 'off-axis' the later buildings obscure the vista of St. Anne's and no specific landmark has been introduced to take its place."

- 15.9 The Management Plan goes on to state that:

"There are opportunities with further development on Canary Wharf to resurrect the relationship of the new buildings there with the Grand Axis. The vistas (north and south) from the scarp at Wolfe statue are as significant as the view to it from Island Gardens."

- 15.10 The HTVIA includes a fully rendered view of the proposal from Assessment Point 5A.1, which demonstrates the impact of the



proposals. The proposed building aligns with the axis, appearing in the background of the view to the left (west) of the main cluster of tall buildings at Canary Wharf, at a similar height to the One Canada Square tower. However, as the HTVIA demonstrates, the effect of marking the axis will be considerably weakened by the construction of consented schemes on the Isle of Dogs.

- 15.11 The HTVIA considers another view (View Seven) from within the World Heritage Site, located in the courtyard of the Old Royal Naval College. The view looks north across the river, framed by the wings of the Old Royal Naval College, with the axis marked by the Statue of King George II. In the middle ground, the tree canopy along the north bank of the Thames is visible, and beyond this to the right (east) are the towers of Canary Wharf, although the taller of the Landmark Towers on the Isle of Dogs is also visible to the left (west) of the axis. The proposed building aligns with the axis, appearing in the background of the view immediately behind the George II Statue, to the left of the main cluster of tall buildings at Canary Wharf, at a similar height to the One Canada Square tower. As the Old Royal Naval College wings restrict the width of the outlook, the proposal is more prominent in this view compared to LVMF Assessment Point 5A.1; however this will again be weakened by the construction of consented schemes on the Isle of Dogs.
- 15.12 The applicant's HTVIA demonstrates that the proposed building marks the axis and will be significantly taller than existing development in these views from the World Heritage Site; however it also illustrates how the building will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs. Within this developing cluster, the building would be only slightly taller, and its effect of marking of the axis will be weakened. In summary, the proposed development will not detract from the integrity and importance of the World Heritage Site.

#### Archaeology

- 15.13 The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 15.14 English Heritage (archaeology) advises that the submitted documentation appropriately assesses the likely archaeological remains. Given the likely nature, depth and extent of the archaeology involved, they advise that further fieldwork prior to the determination of the application is not necessary and recommend a condition to

agree and implement a Written Scheme of Investigation. Subject to this condition, the impact of the development on archaeology is acceptable.

### Surrounding Conservation Areas and Listed Buildings

- 15.15 It is considered that, having regard to the distance between this site and surrounding heritage assets (including Grade 1 and Grade II Listed dock walls and Coldharbour, West India Dock and Narrow Street Conservation Areas), along with the cumulative effect of consented tall buildings in the Tower Hamlets Activity Area, the proposal would have a negligible effect on the setting of these assets.

### **Highways and Transportation**

#### Vehicular Access

- 16.1 The proposed access is unchanged from the existing situation in that it is from Marsh Wall onto the privately owned Admiral's Way. Given the relatively low level of predicted trips (see below), this is considered to be satisfactory.
- 16.2 The development provides for a stacker system for vehicle parking and includes a "reservoir" space for a vehicle that may need to temporarily queue for the stacker. The applicant advises that they have the right to use the road for the proposed parking arrangements. It is noted, however, that an objection letter casts doubt on that. Given the lack of clarity and if the application were to be approved, a Grampian condition could be attached to the proposal to require the applicant to demonstrate prior to the commencement of works that the development would be able to operate in the manner envisaged.

#### Vehicular Trip Rates

- 16.3 The proposal proposes 42 spaces, compared to the existing situation where 39 spaces are provided for the users of the Quay House office building. The Transport Assessment predicts that the current office use would have a greater impact at AM and PM peaks on the road network than the proposed uses.
- 16.4 The Transport Assessment also undertook a "worst case scenario" assessment, considering the effects on the road network without taking account of the existing use. Given the relatively low number of predicted trips relating to the operation of the development (i.e. residents' vehicles and servicing and delivery vehicles) the impact would be imperceptible on the wider road network (other than at the junction of Admiral's Way and Marsh Wall).
- 16.5 Whilst, TfL's and LBTH Highway's request for junction modelling are noted, it is considered that the submitted Transport Assessment (TA)



is a credible assessment that allows robust conclusions to be drawn. Furthermore, the evidential base of the TA is proportionate to the likely effects of the development.

### Car Parking

- 16.6 The site has a PTAL of 5 and as such the maximum London Plan car parking standards are 0.1. The proposal is for 496 dwellings and the maximum car parking provision would therefore be 49 spaces. Applying the Local Plan standards would result in a maximum parking requirement of 60 spaces. The development proposes 42 spaces (39 for residents with 3 for visitors). Whilst providing spaces for visitors in this highly accessible location is not fully in compliance with policy, given the overall number of parking spaces is below both the London and Local Plan standards and that there are only 3 visitor spaces, this is not objectionable.
- 16.7 10% of vehicular parking spaces should be provided for blue badge holders. Given the scheme proposes a vehicular stacker system all the spaces are capable of being used by a disabled driver, (noting the clarifications provided by the applicant in respect of the use of the stacker system). However, given the value these spaces may attract (if sold or leased) it would be imperative to ensure that these 4 disabled spaces are allocated on need rather than to the 'highest bidder'. Therefore, were the application to be approved, the s106 could require a car parking management strategy to be submitted and approved by the Local Planning Authority to ensure the above.

### Cycling and Pedestrians

- 16.8 Residential cycle parking is provided on the first and second floor and meets the minimum standards set out in the Local Plan. It is proposed that these will be a mixture of Sheffield standards (55) with the remaining cycle parking (542) provided by double stackers. The proportion of cycle parking provided in double stackers is disappointing as they can be harder to use and consequently deter cycle use.
- 16.9 13 residential visitor cycle parking spaces and 3 parking spaces for the commercial uses are provided by way of Sheffield stands. This is in accordance with relevant standards. The applicant has proposed two locations for this parking and were the application to be approved the final location could be controlled by way of condition.
- 16.10 Due to the cumulative impact of future development in the South Quay area and the expected number of residents, office workers and visitors, there would be additional pressure on TfL's cycle hire scheme ("boris bikes"). Accordingly, TfL are seeking pooled contributions across this area towards the provision of additional capacity. TfL are seeking a contribution of £70,000 for this

development in accordance with policy 6.9 of the London Plan. The applicant has agreed to this contribution and were the application to be approved this could be secured through a s106 agreement.

- 16.11 This and other South Quay developments (their residents, workers and visitors) would place a further burden onto the heavily used bridge across South Quay. Accordingly, Tower Hamlets in conjunction with other parties such as TfL are seeking pooled contributions towards the introduction of a second footbridge across South Dock to improve north-south connectivity in the area. It is also noted that the development would place a burden on Marsh Wall pedestrian and cycling infrastructure. The applicant has offered £268,043.71 towards highways improvements which could be spent towards the second footbridge and/or improvements to pedestrian/cycling facilities on Marsh Wall.

#### Public Transport

##### *Buses*

- 16.12 TfL have advised that they have identified bus capacity constraints at this location during the AM peak and with regard to the cumulative impact of development within this area. TfL is seeking a contribution of £200,000 towards additional bus capacity in the local area in accordance with London Plan policy 6.2. The applicant has accepted this request and if the application were to be approved, this could be secured through the legal agreement.
- 16.13 In relation to nearby bus stands, there are two that are relevant. One of these already provides the standard 125mm kerb height. The other is directly outside 40 Marsh Wall, a site with an extant consent for redevelopment which is 'liable' for s106 contributions in respect of footway improvements. Accordingly, it is not necessary for the applicant to make a contribution in this respect.

##### *DLR*

- 16.14 TfL advises that there is sufficient capacity is available on DLR trains to accommodate trips to and from this development. However, as trains are already crowded from South Quay to Heron Quays, the developer should encourage walking to Canary Wharf through the provision of Legible London wayfinding around the site. Furthermore, sufficient capacity is available at South Quay DLR station to accommodate the trips from this development. Were the application to be approved, a Wayfinding strategy could be secured through condition.

##### *Jubilee and Crossrail*

- 16.15 The capacity of Canary Wharf Underground station together with the Crossrail Station when opened is sufficient to accommodate trips from this site.

#### Demolition and Construction Traffic

- 16.16 It is considered that were the application to be approved, the impact on the road network from demolition and construction traffic could be adequately controlled by way of conditions requiring the submission and approval of Demolition and Construction Logistic Plans.

#### Servicing and Deliveries

- 16.17 Servicing is proposed from a dedicated ground floor bay on the eastern side of the development accessed across a front portion of the proposed public realm, which would also be a natural pedestrian desire line to/from South Quay bridge and particularly to/from the proposed affordable housing entrance. Service vehicles would also reverse out of the bay across this area.
- 16.18 This inelegant arrangement would bring pedestrians into conflict with manoeuvring servicing vehicles, resulting in an awkward and uncomfortable experience for pedestrians, undermining the potential permeability benefits of opening up this area and detrimentally affecting the quality of the already limited and compromised public realm.
- 16.19 Given that vehicles accessing and egressing this location are likely to do so at relatively slow speeds and conditions can require further mitigation measures (such as white lines, warning signs and audible warnings), the development may not result in a grave impact on pedestrian safety.

#### **Waste**

- 17.1 A Waste Strategy has been submitted in support of the application. The Strategy sets out the approach for:
- Waste minimisation, re-use and recycling;
  - Maximising the use of recycled building materials; and,
  - Providing residents and tenants with convenient, clean and efficient waste management systems that promote high levels of recycling.
- 17.2 In terms of construction waste, a Site Waste Management Plan could be required by condition to ensure, inter alia, that excess materials would not be brought to the site and then wasted and that building materials are re-used or recycled wherever possible.

- 17.3 In terms of operation waste, the proposed Strategy would ensure that residential waste is separated into three separate streams: non-recyclable, recyclable, and compostable.
- 17.4 In relation to non-residential parts of the proposed development, a different approach is required as collection, handling, treatment and disposal of waste will be contracted out. The Strategy requires the waste to be separated into three streams: non-recyclable, recyclable, and glass.
- 17.5 The Council's Waste Officer has commented that the proposed Strategy is satisfactory and no objections are raised. Were the application to be approved, conditions could ensure the delivery of the Strategy's objectives.

### **Energy & Sustainability**

- 18.1 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 18.2 The climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 18.3 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean)
  - Supply Energy Efficiently (Be Clean)
  - Use Renewable Energy (Be Green)
- 18.4 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 18.5 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a minimum Code for Sustainable Homes Level 4 rating and non-residential to achieve BREEAM Excellent where feasible.
- 18.6 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy systems in accordance with the

following hierarchy: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.

- 18.7 The submitted Quay House Energy Strategy follows the principles of the Mayor's energy hierarchy as detailed above and seeks to focus on using less energy and supplying the energy as efficiently as possible. Notwithstanding the need to be compliant with London Plan policy 5.6, the current proposals would incorporate measures to reduce CO2 emissions by 41%. The current proposals therefore fall short policy DM29 requirements by 9% which equates to 70.4 tonnes of regulated CO2.
- 18.8 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. For the proposed scheme, 126,720 is sought for carbon offset projects. The applicant has offered this cash-in-lieu contribution.
- 18.9 The overall approach to reducing carbon dioxide is supported and in accordance with relevant policies and could be secured by condition and within a s106 agreement.
- 18.10 The submitted Quay House Sustainability Statement includes a Code pre-assessment and BREEAM pre-assessment which demonstrates how the development is currently designed to achieve a Code 4 rating (score of 72.78) and BREEAM Excellent rating (score of 71.27). This is supported and should the application be approved could be secured by way of condition.
- 18.11 In relation to connecting to the Barkantine District Energy system and were the application to be approved, a condition could ensure the development is capable of being connected (and would connect) if the system became available to this development. This would be in accordance with London Plan policy 5.6.

## **Environmental Considerations**

### Air quality

- 19.1 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 19.2 In this case, the development provides a level of car parking in accordance with the Council's parking standards, placing a reliance

on more sustainable methods of transport. The use of a decentralised energy centre helps to reduce carbon emissions.

- 19.3 Subject to a condition to ensure that mitigation measures for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) are in place for the residential units and other sensitive receptors; the scheme, once complete, is not objectionable in air quality terms.
- 19.4 It should also be noted that measures to control dust from the site during construction could be addressed through a construction management plan if the application were to be approved.

#### Operational noise, vibration and odour

- 19.5 LBTH Environmental Health advise that were the application to be approved, that the development would not result in undue noise to external receptors (i.e. surrounding residential and community uses). They further advise that conditions could appropriately ensure that the noise and vibration levels within the proposed residential units would be acceptable.
- 19.6 In relation to odour, a condition could ensure any food /drink use with a kitchen extract system would be adequate to mitigate any odour nuisance and any internal noise transmission between the gym and residential uses could be controlled by a condition requiring noise/sound insulation. Noise from the A1-A3 uses could also be controlled by an “hours of use” condition and similarly with deliveries and servicing.
- 19.7 However, the noise to balconies and terraces, particularly on the western side of the development adjacent to the DLR are worthy of further discussion and this is addressed in more detail in the Housing section of this Report.

#### Demolition and Construction Noise and Vibration

- 19.8 The Environmental Statement acknowledges the potential for adverse effects from demolition and construction noise and vibration. Noise and vibration levels as a result of the demolition and construction phase can be minimised by the mitigation methods such as siting stationary noise sources away from noise sensitive locations, fitting equipment with silencers, mufflers and acoustic covers, using appropriate pilings methods etc., which would be employed to ensure that the noise levels are acceptable.
- 19.9 If the application were to be approved, a series of conditions, including Demolition / Construction Traffic Management Plans and Environmental Plans, will seek to minimise the effects and ensure that all works are carried out in accordance with contemporary best practice.



### Contaminated Land

- 19.10 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 19.11 The Council's Environmental Health Officer has reviewed the documentation, and advises that subject to conditions to ensure that appropriate mitigation measures are in place there are no objections on the grounds of contaminated land issues.

### **Flood Risk and Water Resources**

- 20.1 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 20.2 The site is located in Flood Zone 3 and proposal involves a *more vulnerable* use (i.e. housing). The site is 'allocated' within the Council's Local Plan for a mixed-use redevelopment including for a substantial element of residential use. As part of that Allocation, a Sequential Test had been undertaken. There have been no material changes in policy or site circumstances to question the continued validity of the conclusions of that test. Accordingly, a further Sequential Test is not required to support this application.
- 20.3 The application is supported by a Flood Risk Assessment (FRA) and the Environment Agency advise that their most recent study shows that the site is unlikely to flood even in a breach of tidal defences. The FRA demonstrates the development will not increase the risk or severity of flooding elsewhere. The Environment Agency advise that the proposed finished floor level (of the ground floor) be set at 300mm above the level of a 1 in a 100 year flood event taking account of climate change. The applicant has confirmed that the ground floor finished floor level is above 5m AOD which meets the Environment Agency's requirements. Were the application to be approved, this could be conditioned appropriately.
- 20.4 In relation to surface water run-off, SuDs measures could be employed to reduce surface water discharge to 50% of existing rates in accordance with relevant policy and guidance. Were the application to be approved, these measures could be secured by condition. Conditions could also be imposed to ensure that contaminants do not enter ditches and underground aquifers. Thames Water advises that conditions could also appropriately address water demand and wastewater capacity. The submitted Flood Risk Assessment appropriately demonstrates that the development would not increase the risk of tidal, fluvial, groundwater or surface water flooding.

- 20.5 In summary, were the application to be approved and subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

### **Biodiversity**

- 21.1 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings.
- 21.2 The application site has no significant existing biodiversity value. It is adjacent to South Dock, which is part of a Site of Borough Importance for Nature Conservation. Its' principal importance is for overwintering birds.
- 21.3 The proposal would result in some shading of the Dock, but due to the deep water and lack of aquatic vegetation, this is not likely to have a significant adverse impact on the ecology of the dock. There will not, therefore, be any significant adverse impact on biodiversity.
- 21.4 The proposed landscaping includes "green mounds" around the trees and linear planters. These offer opportunities for biodiversity enhancements. The green mounds could include wild flowers in the grass, and the planters could be filled with nectar-rich flowering plants to benefit bees and other pollinating insects. Were the application to be approved, a condition could require full details of the landscaping, including the species to be planted.
- 21.5 A "brown roof" is also proposed on part of the 4th floor terrace. This should follow the best practice guidance published by "Buglife". Were the application to be approved, a condition could require full details of the living roof, including depth of substrate, details of planting and any other habitat features to be included, such as piles of stones or logs. Two bird boxes and bird feeders are also provided. If the application were to be approved, the landscaping and living roof should be sufficient to ensure an overall benefit for biodiversity from the development.
- 21.6 Having regard to the possible conditions to secure the necessary mitigation and enhancements, the proposal has an acceptable impact on biodiversity and is in accordance with relevant policies.

### **Television and Radio Service**



- 22.1 The impact of the proposed development on the television reception of surrounding residential areas must be considered and incorporate measures to mitigate any negative impacts should it be necessary.
- 22.2 The effects during operational phases once the development is complete are predicted to be:
- Cast a terrestrial television reception shadow over existing properties to the north-east; and,
  - Cast a satellite shadow to the north-west.
- 22.3 However, due to the orientation of satellite dishes and the existing shadows cast by 25 Bank Street and 1 Canada Square there would be negligible effects on both. There is a minor adverse effect on DLR communications but these could be mitigated by way of s106/condition if the application were to be approved.

### **London City Airport Safeguarding Zone**

- 23.1 The application site is located underneath the London City Airport Safeguarding Zone and the proposal includes a tall building. Therefore, an assessment of the proposal on the Zone is necessary. London City Airport have raised no safeguarding objection to the scheme subject to appropriate conditioning relating to heights of buildings, cranes during construction and ensuring the chosen plants and trees are designed so as not to attract birds that can cause airstrikes.

### **Health Considerations**

- 24.1 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 24.2 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 24.3 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.

24.4 The application proposes child play and communal and private amenity space that meets the quantitative requirements of the Development Plan along with approximately 925sqm of open space under the DLR line. These spaces are considered to be somewhat compromised and would not maximise opportunities for healthy and active lifestyles. The applicant has indicated they would be prepared to pay the Health contribution in full. On balance, were the Health contribution to be secured by legal agreement, the proposal would not be inconsistent with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy to an extent that would justify withholding planning permission.

### **Impact upon local infrastructure / facilities**

25.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

25.2 The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and,
- (c) Are fairly and reasonably related in scale and kind to the development.

25.3 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

25.4 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

25.5 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

25.6 The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

25.7 The development is predicted to have a population yield of 956, 127 of whom will be aged between 0-15 and are predicted to generate a demand for 88 school places. The development is also predicted to generate jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.

25.8 In the absence of a legal agreement, it is recommended that the application is refused on the basis that the development fails to mitigate its impact on local services, amenities and infrastructure as well as failing to maximise the delivery of affordable housing.

25.9 However, were Members not to follow Officers' recommendation, it is noteworthy that the applicant has offered contributions in relation to:

- Enterprise and Employment Skills and Training;
- Idea Stores;
- Leisure facilities;
- Education;
- Health;
- sustainable transport;
- Public Open Space
- Streetscene and Built Environment;
- Highways
- energy; and,
- a 2% monitoring contribution.

25.10 The applicant has agreed to meet TfL request for contributions towards cycle hire and bus capacity (£70,000 and £200,000 respectively);

25.11 The applicant has also offered 25% affordable housing by habitable room with a tenure split of 69:31 between affordable rented and shared ownership housing at LBTH rent levels. This offer has been independently viability tested and is considered to maximise affordable housing levels in accordance with relevant policy.

25.12 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, 5 apprenticeships a year with no less than 20 apprenticeships across the construction period, a permit-free agreement (other than for those

eligible for the Permit Transfer Scheme), 20% active and 20% passive electric vehicle charging points a residential travel plan, a car parking management strategy (in respect of the affordability of the 4 reserved spaces for blue badge holders) and mitigation (if necessary) for DLR communications.

25.13 The financial contributions offered by the applicant are summarised below:

<b>Heads</b>	<b>s.106 financial contribution</b>
Construction Phase Skills and Training	£145,593
End User Phase Skills and Training	£2,212
Community Facilities	£120,793
Leisure Facilities	£485,295
Education	£1,141,827
Health	£657,288
Sustainable Transport	£14,340
Public Realm	£714,331
Streetscene and Built Environment	£35,128.80
Highways (TfL)	£270,000
Highways (LBTH)	£268,043.71
Carbon offset	£126,720
<b>Sub-Total</b>	<b>£3,981,571.51</b>
Monitoring	£79,631,45
<b>Total</b>	<b>£4,061,202.94</b>

### **Other Financial Considerations**

#### Localism Act (amendment to S70(2) of the TCPA 1990)

26.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

26.2 Section 70(4) defines “local finance consideration” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or

- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

26.3 In this context “grants” might include New Homes Bonus.

26.4 These are material planning considerations when determining planning applications or planning appeals.

26.5 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards to local finance considerations, in the absence of a legal agreement to secure the necessary contributions the development fails to mitigate the impact of the development on local services, infrastructure and amenities.

26.6 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL contribution would be £1,450,470. The retail element of the scheme would also be subject to the Crossrail s106 Levy.

26.7 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

26.8 Using the DCLG’s New Homes Bonus Calculator, this development, if approved, would generate in the region of £711,554 in the first year and a total payment of £,4269,323 over 6 years.

### **Human Rights Considerations**

27.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

27.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

27.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

27.4 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.

27.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

27.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

27.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

27.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

### **Equalities Act Considerations**

28.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability,

gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

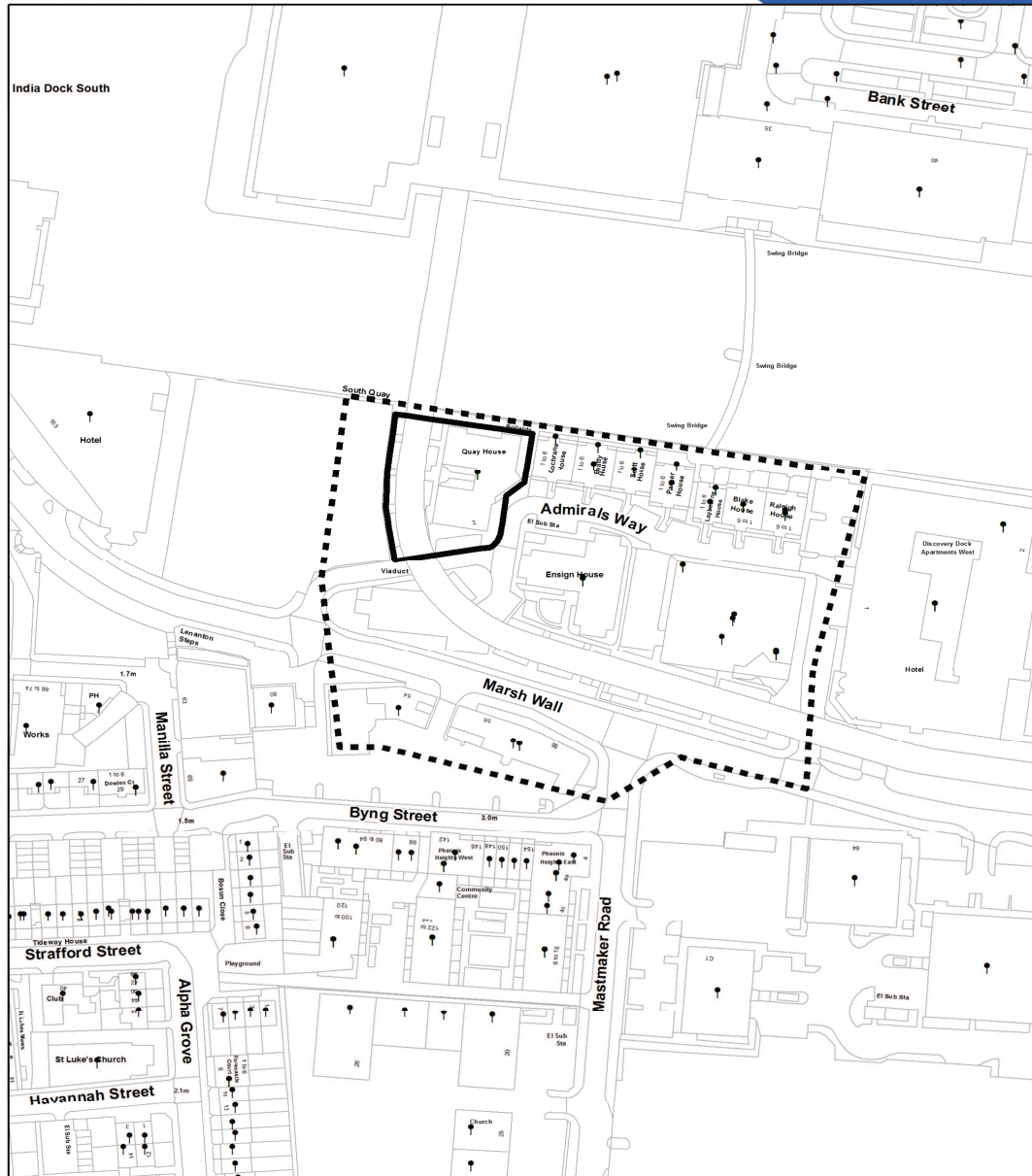
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Conclusion**

- 29.1 All other relevant policies and considerations have been taken into account. Planning Permission should be refused for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.



**Planning Application Site Map  
PA/14/00990**



- Planning Application Site Boundary
- Locally Listed Buildings
- Land Parcel Address
- 
- Consultation Area
- Statutory Listed Buildings
- OSLine

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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## UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

<b>Agenda Item number:</b>	6.1
<b>Reference number:</b>	PA/14/00990
<b>Location:</b>	Quay House, Admirals Way, London, E14
<b>Proposal:</b>	Demolition of the existing building and redevelopment to provide a residential led, mixed use scheme to include a tower of 68 storeys (233 metres AOD) comprising 496 residential units, 315.3 sq.m. (GEA) of flexible commercial uses including retail/financial and professional services/café/restaurant uses (Use Classes A1 to A3), a residents' gymnasium and associated residential amenity space, car and cycle parking and landscaping.

### 1.0 REPRESENTATIONS

1.1 A further representation has been received raising the following objection:

- The application fails to consider the relationship between this site and the remainder of Waterside Estate. The redevelopment of both sites should be considered in a comprehensive approach through a Masterplan so that both of the sites can be redeveloped without either of them prejudicing the development of the other.

*(Officer Comment: The Council is in the process of developing a South Quay Masterplan. However, it is in its early stages and consequently little weight can currently be attached to it. This application should be considered against the Development Plan and other material considerations (including the NPPF).*

1.2 A letter dated 18<sup>th</sup> August from the Greater London Authority to the developer in respect of this application is appended to this Update Report.

### 2.0 RECOMMENDATION

2.1 Officers' recommendation remains as set out in part 3 of the committee report.

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# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 6 <sup>th</sup> November 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

## 3. ADVICE OF HEAD OF LEGAL SERVICES

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
- the London Plan 2011
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
  - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7**

Brief Description of background papers:  
Application, plans, adopted UDP, Interim  
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:  
Eileen McGrath (020) 7364 5321

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### **4. PUBLIC SPEAKING**

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the previous Agenda Item.

#### **5. RECOMMENDATION**

- 5.1 The Committee to take any decisions recommended in the attached reports.

# Agenda Item 6.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 6 <sup>th</sup> November 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Nasser Farooq	<b>Ref No:</b> PA/14/00944- Full Planning Permission
	<b>Ward:</b> Canary Wharf

## 1. APPLICATION DETAILS

**Location:** South Quay Plaza, 183-189 Marsh Wall, London

**Existing Use:** Office and Retail uses.

**Proposal:** Demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential-led mixed use buildings of up to 68 storeys and up to 36 storeys comprising up to 888 residential (Class C3) units in total, retail (Class A1-A4) space and crèche (Class D1) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.

### **Drawings and Documents**

**documents:** Affordable Housing Statement, prepared by GVA, March 2014  
Estate Management Strategy, prepared by Berkeley, March 2014  
Social Sustainability Assessment, prepared by Quod  
Statement of Community Involvement prepared by Snapdragon Consulting, March 2014  
Planning Statement, prepared by GVA, March 2014  
Addendum Planning Statement, prepared by GVA, September 2014  
Retail Statement, prepared by GVA, March 2014  
Revised Environmental Statement Non-Technical Summary (NTS) September 2014  
Revised Energy Strategy, prepared by WSP Contacts, September 2014

Sustainability Statement, prepared by WSP Contacts, March 2014  
 Revised Playspace Strategy, 14<sup>th</sup> October 2014  
 Including drawings OX5010 100 P02, OX5051 101 P4 and OX5010 102 P3  
 Design Consultation Response – Part 2, 8<sup>th</sup> September 2014  
 Design and Access Statement  
 Design and Access Statement Addendum, September 2014  
 Addendum Design and Access Statement October 2014  
 Revised Delivery & Servicing Plan September 2014  
 Workplace Travel Plan September 2014  
 Revised Transport Assessment September 2014  
 Addendum Note Basement Vehicle Access Strategy WSP dated October 2014  
 Revised Pedestrian Environment Review System (PERS) Audit September 2014  
 Revised Travel Plan September 2014

Environmental Statement:

Volume I Main Assessment, Text & Figures,  
 Volume II Townscape, Visual & Built Heritage Impact Assessment) and  
 Volume III Part 1 A-G Technical Appendices  
 Volume III Part 2 H Technical Appendices.  
 Volume III Part 3 I-L Technical Appendices.  
 Volume III Part 4 M-N Technical Appendices.  
 Addendum Environmental Statement Part 1 September 2014  
 Addendum Environmental Statement Part 2 September 2014  
 EIA Statement of Validity dated 17<sup>th</sup> October 2014

Drawings

A-0-0001 02,	A-0-0002 01,	A-0-1000 01,
A-0-1009 01,	A-0-1010 01,	A-0-1013 01,
A-0-1020 01,	A-0-1021 01,	A-0-1022 01,
A-0-1023 01,	A-0-1024 01,	A-0-1025 01,
A-0-1026 01,	A-0-1050 01,	A-0-1100 02,
A-0-1198 02,	A-0-1199 02,	A-0-1200 02,
A-0-1200B 02,	A-0-1201 02,	A-0-1202 02,
A-0-1220 02,	A-0-1228 02,	A-0-1236 02,
A-0-1256 01,	A-0-1268 01,	A-0-1280 01,
A-0-1400 01,	A-0-1401 02,	A-0-1402 02,
A-0-1403 01,	A-0-1500 01,	A-0-1501 01,
A-0-1502 01,	A-1-0010 01,	A-1-0011 01,
A-1-1200 02,	A-1-1200B 02,	A-1-1201 02,
A-1-1202 02,	A-1-1203 02,	A-1-1206 00,
A-1-1210 02,	A-1-1211 01,	A-1-1216 01,
A-1-1220 02,	A-1-1230 02,	A-1-1233 01,
A-1-1234 01,	A-1-1246 01,	A-1-1249 01,
A-1-1250 02,	A-1-1256 01,	A-1-1257 01,
A-1-1260 02,	A-1-1265 01,	A-1-1266 01,
A-1-1267 01,	A-1-1268 01,	A-1-2000 02,
A-1-2002 02,	A-1-2003 02,	A-1-2004 02,

A-1-2010 02, A-1-2011 02, A-1-2020 02,  
 A-1-4000 01, A-1-4001 01, A-1-4002 01,  
 A-1-4003 01, A-1-4004 01, A-1-4005 01,  
 A-1-4006 01, A-1-4007 01, A-2-0010 01,  
 A-2-0011 01, A-2-1200 02, A-2-1200B 02,  
 A-2-1201 02, A-2-1202 02, A-2-1205 00,  
 A-2-1206 00, A-2-1210 02, A-2-1212 01,  
 A-2-1216 00, A-2-1220 02, A-2-1222 02,  
 A-2-1228 02, A-2-1229 02, A-2-1235 02,  
 A-2-1233 02, A-2-1234 02, A-2-1236 02,  
 A-2-2000 02, A-2-2002 02, A-2-2003 02,  
 A-2-2004 02, A-2-2005 02, A-2-2006 02,  
 A-2-2007 02, A-2-2010 01, A-2-2011 01,  
 A-2-2020 02, A-2-4001 01, A-2-4002 01,  
 A-2-4003 01, A-3+-1200 01, A-3+-1201 01,  
 A-3+-1205 01, A-3+-1206 01, A-3+-1400 01,  
 A-3+-1401 01, A-3+-1402 01, A-3+-1500 01,  
 A-3+-1501 01, A-3+-4000 01, A-3+-4001 01 and  
 A-3+-4002 01

**Applicant:** Berkeley Homes (South East London) Ltd

**Ownership:** Applicant (Owner of SQP1, SQP2 and SQP3+) and British Airways Pension Trustees limited (Owner of SQP3)

**Historic Building:** None

**Conservation Area:** None

## 2. EXECUTIVE SUMMARY

- 2.1. The Local Planning Authority has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document 2013 as well as the London Plan (2011), along with all other material considerations including the National Planning Policy Framework and has found that:
- 2.2. The proposed demolition of existing commercial buildings and the redevelopment of the site for a residential-led development is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the site's Millennium Quarter Site allocation within the Managing Development Document (2013).
- 2.3. The scale and slender form of the proposed tall buildings would successfully mediate between Canary Wharf and existing/proposed buildings to the south of Marsh Wall. They would be of high quality design, provide a positive contribution to the skyline and not adversely impact on heritage assets or strategic or local



views. The proposed tall buildings will also help form a transition in scale within the site, with the tallest building located closest to Canary Wharf.

- 2.4. The density of the scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no unduly detrimental impacts upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality of accommodation provided, along with internal and external amenity spaces would provide an acceptable living environment for the future occupiers of the site.
- 2.5. The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing. In light of the viability constraints of the site the development is maximising the affordable housing potential of the scheme.
- 2.6. The proposals would integrate intermediate housing within the northern tower and rented accommodation within the southern tower. The proposals include:
  - 110 Affordable Rented homes (402 habitable rooms);
  - 78 Intermediate homes (169 habitable rooms);
  - 25% provision by habitable rooms (70:30 Affordable Rent: Intermediate Ownership); and
  - A mix of 1, 2, 3 and 4-bed Affordable dwellings.
- 2.7. Transport matters, including parking, access and servicing are acceptable and it is considered that the measures secured to facilitate a Landing zone for a new pedestrian bridge along with a significant financial contribution will ensure the proposed impact on the local highway network is considered acceptable.
- 2.8. Flood risk and drainage strategies are appropriate, acceptable design standards (BREEAM and Code for Sustainable Homes) are proposed. High quality landscaping and, subject to detailed design, biodiversity features are also proposed which should help ensure the development is environmentally sustainable.
- 2.9. The proposed development will provide appropriate mitigation measures through a legal agreement which will contribute towards the delivery of a new pedestrian bridge, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents.

### 3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by The London Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of **£341,318.00** towards employment, skills, training and enterprise.
- b) A contribution of **£1,059,369.00** towards Community Facilities
- c) A contribution of **£23,642.00** towards Sustainable Transport Initiatives.
- d) A contribution of **£2,128,677.00** towards Education
- e) A contribution of **£1,134,782.00** towards Public Realm.
- f) A contribution of **£1,074,600.00** towards the provision of health and wellbeing.
- g) A contribution of **£15,000.00** towards legible Londonsignage
- h) A contribution of **£320,000.00** towards local highway improvements
- i) A contribution of **£480,965.00** towards improvements towards a new South Dock Footbridge or improvements to the existing footbridge
- j) A contribution of **£270,900.00** towards Carbon Off-setting
- k) A contribution of **£70,000.00** towards the Mayor of London cycle hire docking scheme
- l) A contribution of **£84,000.00** towards Preston's Road Roundabout
- m) A contribution of **2%** of the total financial contributions would be secured towards monitoring.

Total Contribution financial contributions **£7,143,318.00**

Non-financial contributions

- n) Delivery of 25% Affordable Housing by habitable rooms comprising of 110 rented units (402 habitable rooms) and 78 intermediate units (169 habitable rooms)
- o) Clause ensuring timely delivery of affordable housing
- p) Permit Free for future residents
- q) Bridge Landing Access Point (land to be safeguarded for this purpose)
- r) Provision of Public Art up to a value of £100,000.00
- s) Provision of Public Access across the site
- t) TV reception/ DLR Signal and monitoring
- u) Travel Plan monitoring
- v) Requirement to enter into S278 agreement for highway works
- w) Access to employment (20% Local Procurement; 20% Local Labour in Construction)
- x) Provision of apprenticeships
- y) Review mechanism
- z) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

3.5. That if, within three months of the date of this committee meeting the legal agreement have not been completed, the Corporate Director of Development & Renewal has delegated authority to refuse planning permission.

3.6. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

3.7. **Conditions**

Prior to Demolition Conditions:

1. Demolition management plan
2. Feasibility for transportation by water
3. Survey of the waterway wall

Prior to construction

4. Construction management plan
5. Thames Water Risk Assessment
6. Surface water drainage scheme
7. Thames Water Impact Study
8. Ground water contamination
9. Detail of basement access
10. Archaeology

Prior to commencement of superstructure works conditions:

11. Crane heights / aircraft obstacle lighting
12. Feasibility of further thermal efficiency measures
13. Detailed decentralised energy assessment
14. Secured by design measures
15. External materials
16. Biodiversity enhancement measures.
17. Public realm / landscaping details / Child Play Space
18. Odour mitigation for A3 use
19. Details of inclusive access to D1 Crèche
20. CCTV and lighting plan
21. Wind mitigation measures

Prior to Occupation' Conditions:

22. Feasibility of car club
23. Contaminated land
24. Access strategy
25. Delivery and servicing plan
26. HGV collection strategy
27. Code for sustainable homes CSH Level 4
28. BREEAM Excellent
29. Verification report on groundwater conditions
30. Parking Management Statement

'Compliance' Conditions –

31. Permission valid for 3yrs
32. Hours of use of A3
33. Development in accordance with approved plans
34. Energy

- 35. Heat network
- 36. Renewable energy
- 37. Electric vehicle charging points
- 38. Cycle parking
- 39. Lifetime homes
- 40. 10% wheelchair accessible

**3.8. Informatives**

- 1) Subject to s278 agreement
- 2) Subject to s106 agreement
- 3) CIL liable
- 4) Thames water informatives
- 5) Canal and River Trust –need for agreements
- 6) Environmental Health informatives
- 7) London City Airport
- 8) Fire and Emergency Planning Authority

3.9. Any other conditions and/or informative(s) considered necessary by the Corporate Director Development & Renewal

**4. PROPOSAL, LOCATION AND DESIGNATIONS**

**Proposal**

- 4.1. The applicant is seeking a comprehensive redevelopment of the site consisting of the demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and the erection of two residential led mixed use buildings of up to 68 storeys and up to 36 storeys comprising up to 888 residential (Class C3) units in total, retail uses (Class A1-A4) and a crèche (Class D1).
- 4.2. The applicant is also seeking planning permission for alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) spaces at ground floor level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.
- 4.3. The proposal would provide a total of 888 residential units with 25% affordable housing by habitable room. In dwelling numbers it would comprise 700 market units (79% of total); 78 Intermediate units (9% of total) and 110 rented units (12% of total). The detailed provision is set out below:

**Number and Percentage of units and habitable rooms by tenure**

	<b>Number of units</b>	<b>%</b>	<b>Habitable Rooms</b>	<b>%</b>
Open Market	700	79	1730	75
Affordable rent	110	9	402	18
Intermediate	78	12	169	7
<b>TOTAL</b>	<b>888</b>	<b>100</b>	<b>2301</b>	<b>100</b>

### Dwelling numbers and mix by tenure

	<b>Studio</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
Open market	57	329	241	73	0
Affordable Rent	0	24	34	30	22
Intermediate	13	39	26	0	0
<b>TOTAL</b>	<b>70</b>	<b>392</b>	<b>301</b>	<b>103</b>	<b>22</b>
<b>Total as %</b>	<b>8%</b>	<b>44%</b>	<b>34%</b>	<b>12%</b>	<b>2%</b>

4.4. The application also proposes a double basement containing car parking, ancillary retail space and space for refuse and plant.

4.5. The following table provides an illustration of the change in floorspaces with the proposed development (measured in Gross Internal Floorspace 'GIA')

### Existing and proposed change in floorspace

<b>Use Class</b>	<b>Existing GIA m<sup>2</sup></b>	<b>Proposed GIA</b>	<b>NET change GIA</b>
Residential (Class C3)	0	91,263 (888 units)	91,263
Retail (Class A1-A4)	1,646	2,097	+451
Office excluding SQP3 (Class B1)	18,631	1,888	-16,743
*Office including SQP3 (Class B1)	45,470	28,727	-16,732
Community Use (Class D1)	600 (Health Centre)	556 (Crèche)	-36

\*This includes South Quay Plaza 3 which is to be retained within the development.

### Site and Surroundings

4.6. The application site comprises an area of approximately 1.33 hectares and is located on the southern side of South Dock on the Isle of Dogs.

4.7. The application site is bound by South Dock to the north and Millwall Cutting to the east. To the west of the site is the residential development at Discovery Dock East and a cleared development site. The site is bounded to the south by Marsh Wall and the South Quay Docklands Light Railway (DLR). The Canary Wharf estate is located to the north of the site.

4.8. The following plan show the application site in relation to immediate surroundings.



4.9. The application site currently comprises four commercial buildings, as described below:

- South Quay Plaza 1 – a ten storey office building.
- South Quay Plaza 2 – a two storey building providing retail units and a healthcare facility;
- South Quay Plaza 3 – a fifteen storey office building
- South Quay Plaza 3+ - a three storey building to the north of South Quay Plaza 3 comprising a gentlemen’s club.

4.10. Overall, the existing buildings provide approximately 45,470 sqm (GIA) of office (Class B1) floorspace, 1,646 sqm (GIA) of retail (Class A1-A4) floorspace and 600 sqm (GIA) of healthcare (Class D1) floorspace.

4.11. The site currently provides 330 car parking spaces within a ground floor and basement carpark. The main vehicular access to the site is on the western side of the site from Marsh Wall, which provides access to the basement car park and also to the Discovery Dock East development to the west of the site. Vehicular access is also provided from Marsh Wall.

4.12. Immediately to the north of South Quay Plaza, is the Canary Wharf Estate, which mainly comprises large scale office buildings with large floor plates, including One Canada Square (245.75 metres AOD), together with supporting retail uses.

4.13. The immediate context of the South Quay Plaza site mainly consists of residential and commercial uses, including the 48 storey (147 metres AOD) and 38 storey

(119 metres AOD) residential developments at Pan Peninsula to the south of the site and the Discovery Dock East development to the west.

- 4.14. In terms of transport links, the site has a PTAL rating of 4, with South Quay DLR station immediately to the south. Heron Quay DLR station and Canary Wharf (Jubilee Line) Station are also in close proximity. The new Crossrail station is located further north, and is currently under construction.
- 4.15. The nearest bus stop is around 160metres to the west of the site, on the northern side of Marsh Wall. The bus stop is part of the D8 route, which runs between Stratford City and Crossharbour.
- 4.16. Other bus stops nearby include D3 (Bethnal Green to Crossharbour), D6 (Bethnal Green to Crossharbour –via Mile End), D7 (Mile End to Poplar), 135 (Crossharbour to Old Street Station) and N550 Canning Town to Trafalgar Square.

#### Designations

- 4.17. The site is within the London Plan's Isle of Dogs Opportunity Area which recognises it as a strategically significant part of London's world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.
- 4.18. The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages comprehensive mixed-use redevelopment to provide a strategic housing contribution and a district heating facility where possible. The allocation states that developments will include commercial floorspace, open space and other compatible uses and advises that development should recognise the latest guidance for the Millennium Quarter.
- 4.19. The site is outside of the Canary Wharf Preferred office Location (POL) and Canary Wharf Major Town Centre, but within the Tower Hamlets Activity Area (THAA), as defined by Core Strategy Policy SP01. The THAA is intended to provide transitional areas that are complementary, yet different, to the distinct designations of the Canary Wharf town centre
- 4.20. The site is within an Environment Agency designated Flood Zone 3a - land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences.
- 4.21. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.22. The site is within the London City Airport Safeguarding Zone.
- 4.23. The site is within the London Plan Views Management Framework (LVMF), of particular relevance is the view from the General Wolfe Statue in Greenwich Park.

- 4.24. The site is within the Crossrail Safeguarding Area as well as the CrossrailSPG Charging Zone.

## **Environmental Impact Assessment**

### EIA Regulations

- 4.25. The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as an 'urban development project' and is likely to have significant effects on the environment.
- 4.26. Regulation 3 of the EIA Regulations prohibits granting planning permission unless prior to doing so, the relevant planning authority has first taken the 'environmental information' into consideration, and stated in their decision that they have done so.
- 4.27. The 'environmental information' comprises the applicant's Environmental Statement (ES), including any further information and any other information, and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

### EIA Scoping

- 4.28. An EIA Scoping Report was submitted to LBTH in July 2013 to seek a formal EIA Scoping Opinion. A formal EIA Scoping Opinion was issued by LBTH on 13<sup>th</sup> August 2013 and the EIA was informed by this document.

### Environmental Information

- 4.29. The ES was submitted by the applicant with the full planning application. The ES assessed the effects on the following environmental receptors (in the order they appear in the ES):
- Chapter 5: Demolition and Construction;
  - Chapter 6: Waste and Recycling;
  - Chapter 7: Socio-Economics;
  - Chapter 8: Traffic and Transportation;
  - Chapter 9: Noise and Vibration;
  - Chapter 10: Air Quality;
  - Chapter 11: Ground Conditions;
  - Chapter 12: Water Resources and Flood Risk;
  - Chapter 13: Archaeology;
  - Chapter 14: Electronic Interference;
  - Chapter 15: Aviation;
  - Chapter 16: Wind Microclimate;
  - Chapter 17: Daylight, Sunlight, Overshadowing and Solar Glare;
  - Chapter 18: Townscape, Visual and Heritage Impact Assessment
  - Chapter 19: Residual Effects and Conclusions
    - Appendix A: EIA Scoping Report and Scoping Opinion and consultation responses;



- Appendix B: Operational Waste Strategy;
- Appendix C: Demolition and Construction;
- Appendix D: Health and Well-being Assessment;
- Appendix E: Ecology;
- Appendix F: Noise and Vibration;
- Appendix G: Air Quality;
- Appendix H: Ground Conditions;
- Appendix I: Water Resources and Flood Risk;
- Appendix J: Archaeology;
- Appendix K: Aviation Risk Assessment;
- Appendix L: Wind Microclimate;
- Appendix M: Daylight, Sunlight, Overshadowing, light pollution and Solar Glare;
- Appendix N: Electronic Interference

- 4.30. To ensure the reliability of the ES, the Council appointed EIA consultants, Land Use Consulting (LUC), to review the ES and to confirm whether it satisfied the requirements of the EIA Regulations (2011). Where appropriate, reference was made to other relevant documents submitted with the planning application.
- 4.31. LUC's review identified a number of clarifications and potential requests for 'further information' under Regulation 22 of the EIA Regulations. The applicant was issued with a copy of LUC's review.
- 4.32. In response to this, the applicant provided additional information which addressed the identified clarifications. This information was reviewed and considered to address the clarifications. The information provided also addressed the potential Regulation 22 requests and upon review of the information provided were not considered to constitute a formal request for further information under Regulation 22 i.e. dealt with as clarifications.
- 4.33. LUC has confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.
- 4.34. Representations from a number of consultation bodies including the Environment Agency, English Heritage and Natural England have been received, as well as representations from local residents about the environmental effects of the development.
- 4.35. The ES, other relevant documentation submitted with the planning application, clarification information, consultee responses and representations duly made by any other persons constitute the 'environmental information', which has been taken into account when writing this recommendation and is required to be taken into account when arriving at a decision on this planning application.
- 4.36. The South Quay application is for full planning permission. The contents and conclusions of the ES are based on the proposals illustrated in the Application drawings.

- 4.37. The ES, publicly available on the planning register, identifies the likely significant environmental effects (adverse and beneficial) from the construction phase (including demolition and other associated site preparation activities) and operation of the proposed development, before and after mitigation. The significance of the likely effects has been determined from the sensitivity of the receptor and the magnitude of the change.
- 4.38. Where adverse effects have been identified, appropriate mitigation measures have been proposed and these are recommended to be secured by way of planning conditions and/or planning obligations as appropriate.

### **Relevant Planning History**

#### Application Site

- 4.39. The application site consists of a London Docklands Development Corporation (LDDC) consented scheme, approved in the 1980s. In 1996, South Quay Station was the site of an IRA bomb which damaged South Quay Plaza I and II beyond repair. In 1997, the LDDC granted planning permissions for façade changes to South Quay Plaza III and for the re-instatement and re-building of the shopping arcade (6<sup>th</sup> August 1997).
- 4.40. Over the subsequent years a number of planning applications have come forward seeking various works on site. Of these applications, two recent applications are worth noting.
1. Planning Application 1 PA/11/01243  
1<sup>st</sup> Floor Office Suite (East), South Quay Plaza, 185 Marsh Wall  
Proposed change of use of first floor office suite to flexible office use (Use Class B1) and health Centre (Use Class D1)  
Approved 11/07/2011
  2. Planning Application 2 PA/13/03095  
Wyndham House (SQP3), 189 Marsh Wall, London, E14 9SH  
Demolition of existing entrance canopy at raised ground floor level and erection of new canopy, remodelling of existing entrance steps  
Approved 05/02/2014
- 4.41. Planning application 1 (PA/11/01243) has been implemented and is occupied by the Nuffield Health Centre, planning application 2 consists of improvement works to SQP3 and are referred to within this application.
- 4.42. A number of planning applications have been submitted within the vicinity and these form part of the existing and emerging site context. These are outlined below.

#### Built

- 4.43. “Pan Peninsula” has two buildings of 48 and 39 stories and contains 820 residential units along with retail, business and leisure uses. This site is located to the south of South Quay Plaza.

- 4.44. "Landmark" has one building of 44 storeys, one building of 30 storeys and two buildings of eight storeys and contains 802 dwellings along with retail, business and community uses. This building is further west of South Quay Plaza.

Consented / Implemented but not built

- 4.45. "Hertsmere House (Colombus Tower)" PA/08/02709 granted 2nd December 2009 for demolition of existing building and erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1- A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping (Maximum height 242 metres AOD).
- 4.46. "Riverside South" PA/07/935 granted 22nd February 2008 for the erection of Class B1 office buildings (330,963 sq. m) comprising two towers (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses at promenade level up to a maximum of 2,367 sq.m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works.
- 4.47. "City Pride" PA/12/03248 granted 10th October 2013 for the erection of residential-led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.
- 4.48. "Newfoundland" PA/13/01455 granted 10th June 2014 for erection of a 58 [sic] storey and linked 2 storey building with 3 basement levels to comprise of 568 residential units, 7 ancillary guest units (use class C3), flexible retail use (use class A1-A4), car and cycle parking, pedestrian bridge, alterations to deck, landscaping, alterations to highways and other works incidental to the proposal.
- 4.49. "40 Marsh Wall" PA/10/1049 granted 15th November 2010 for the demolition of the existing office building and erection of a 38 storey building (equivalent of 39 storeys on Manilla Street) with a three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); public open space, together with the formation of a coach and taxi drop-off point on Marsh Wall.
- 4.50. "Baltimore Wharf" PA/06/02068, planning permission was granted by the Council for the "Redevelopment by the erection of 8 buildings 7 to 43 storeys to provide 149,381 sq m of floor space over a podium for use as 1057 residential units, 25,838 sq m of Class B1 (offices), a 149 room hotel; a 10,238 sq m. apart-hotel; a Class D1/D2 community facility of 1,329 sq m, 2,892 sq m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sqm, associated car parking, landscaping including new public open spaces and a dockside walkway.

(Revised scheme following grant of planning permission PA/04/904 dated 10th March 2006)".

- 4.51. "Indecon Court" PA/13/001309 Planning permission granted on 23/12/2013 (originally granted 13/06/2008) for the demolition of the existing buildings on site and construction of a mixed use development comprising of two buildings. The main building ranges from 12 to 32 storeys with a maximum height of 95 metres (99.5 AOD) and a 10 storey 'Rotunda' building being a maximum height of 31.85 metres (36.15 AOD). Use of the new buildings for 546 residential units (Use Class C3) (87 x Studios, 173 x 1 bedrooms, 125 x 2 bedrooms, 147 x 3 bedrooms, 14 x 4 bedrooms), 5,390sqm for hotel (Use Class C1) and /or Serviced Apartments (Sui Generis), 1,557sqm of Leisure floorspace (Use Class D2) and 1,654sqm commercial floorspace (Use Classes A1/A2/A3 and/or A4). Plus a new vehicle access, 150 car parking spaces in one basement level, public and private open space and associated landscaping and public realm works at ground floor level."
- 4.52. "Wood Wharf" PA/13/02966 Outline application (all matters reserved) for mixed-use redevelopment of the site known as "Wood Wharf" comprising:
- Demolition of existing buildings and structures, including dwellings at Lovegrove Walk;
  - The erection of buildings, including tall buildings and basements, comprising:
    - Residential units ( Use Class C3);
    - Hotel (C1);
    - Business floorspace (B1);
    - Retail (A1-A5);
    - Community and Leisure (D1 and D2); and,
    - Sui Generis uses.

#### Under consideration

- 4.53. "Arrowhead Quay" PA/12/3315 for erection of two buildings of 55 and 50 storeys to provide 792 residential units (Use Class C3) and ancillary uses, plus 701 sqm of ground floor retail uses (Use Classes A1 -A4), provision of ancillary amenity space, landscaping, public dockside walkway and pedestrian route, basement parking, servicing and a new vehicular access.
- 4.54. "Enterprise Business Park, 2 Millharbour" PA/14/01246 for the erection of seven mixed-use buildings—A, B1, B2, B3, C, D and E (a 'link' building situated between block B1 and D)—ranging in height from 8 to 42 storeys.

New buildings to comprise: 909 residential units (Class C3); 1,005 sqm (GIA) of ground-floor mixed-use (Use Class B1/ A1/ A2/ A3/ A4/ D1); a 1,104 sqm (GEA) 'leisure box' (Use Class D2); plant and storage accommodation, including a single basement to provide vehicle and cycle parking, servicing and plant areas; new vehicle and pedestrian accesses and new public amenity spaces and landscaping.

- 4.55. "30 Marsh Wall" PA/13/3161 for demolition and redevelopment to provide a mixed use scheme over two basement levels, lower ground floor, ground floor,

and 52 upper floors (rising to a maximum height including enclosed roof level plant of 189 metres from sea level (AOD)) comprising 73 sq m of café/retail floorspace (Use Classes A1-A3), 1781 sq m of office floorspace (Use Class B1), 231 sq m of community use (Use Class D1), 410 residential units (46 studios, 198 x 1 bed, 126 x 2 bed and 40 x 3 bed) with associated landscaping, 907 sq m of ancillary leisure floorspace and communal amenity space at 4th, 24th, 25th, 48th and 49th floors, plant rooms, bin stores, cycle parking and 50 car parking spaces at basement level accessed from Cuba Street.

- 4.56. "54 Marsh Wall" PA/14/002418 For demolition of the existing building and the construction of a new residential-led mixed use development consisting of two linked buildings of 29 and 39 storeys (with two additional basement levels) comprising 240 residential units (including on-site affordable housing), a new café (Use Class A3) and community facility (Use Class D1) at the ground level, basement car parking and servicing, landscaped open space and a new public pedestrian route linking Marsh Wall and Byng Street.
- 4.57. "Meridian Gate" PA/14/01428 Demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 53 storeys comprising of 423 residential apartments (use class C3) and circa 425sqm office (use class B1), 30 basement car parking spaces; circa 703sqm of residents gym and associated health facilities; public realm improvements; and the erection of a single storey amenity building comprising a sub-station, reception for basement access, car lifts and circa 105sqm retail/cafe (use class A1/A3).
- 4.58. "Quay House" PA/14/00990 for the demolition of the existing building and redevelopment to provide a residential led, mixed use scheme to include a tower of 68 storeys comprising 496 residential units, approx. 315sqm of flexible commercial uses, a residents gym and associated residential amenity space, car and cycle parking and landscaping.

## 5. POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies, it contains the most relevant policies to the application:
- 5.3. **Government Planning Policy Guidance/Statements**  
National Planning Policy Framework (March 2012) (NPPF)  
National Planning Policy Guidance

**5.4. Spatial Development Strategy for Greater London - London Plan 2011 (LP) and the Revised Early Minor Alterations to the London Plan published 11th October 2013**

Policies

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity

- 6.4 Enhancing London's transport connectivity
  - 6.5 Funding Crossrail and other strategically important transport infrastructure
  - 6.9 Cycling
  - 6.10 Walking
  - 6.12 Road network capacity
  - 6.13 Parking
  - 7.1 Building London's neighbourhoods and communities
  - 7.2 An inclusive environment
  - 7.3 Designing out crime
  - 7.4 Local character
  - 7.5 Public realm
  - 7.6 Architecture
  - 7.7 Location and design of tall and large buildings
  - 7.8 Heritage assets and archaeology
  - 7.9 Heritage led regeneration
  - 7.10 World heritage sites
  - 7.11 London view management framework
  - 7.12 Implementing the London view management framework
  - 7.13 Safety, security and resilience to emergency
  - 7.14 Improving air quality
  - 7.15 Reducing noise and enhancing soundscapes
  - 7.18 Protecting local open space and addressing local deficiency
  - 7.19 Biodiversity and access to nature
  - 7.21 Trees and woodland
  - 7.30 London's canals and other river and waterspaces
  - 8.2 Planning obligations
  - 8.3 Community Infrastructure Levy (CIL)
- 5.5. The 'Draft Further Alterations to the London Plan' were published for public consultation period which commenced on 15 January 2014 and ended on 10 April 2014. An Examination in Public has been carried out in September 2014. The Further Alterations aim to shape the London Plan as the London expression of the National Planning Policy Framework. Some of the key impacts on the borough relate to increased housing targets (from 2,885 to 3,930 new homes per year), creating additional infrastructure needs, a decreased waste apportionment target and an increase in cycle parking standards.
- 5.6. As the Further Alterations have been subject to public consultation, they are accumulating weight in determining planning applications and are considered to be an emerging material consideration which should be given some weight.
- 5.7. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP01 Refocusing on our town centres
  - SP02 Urban living for everyone
  - SP03 Creating a green and blue grid
  - SP04 Creating a Green and Blue Grid
  - SP05 Dealing with waste
  - SP06 Delivering successful employment hubs
  - SP08 Making connected Places
  - SP09 Creating Attractive and Safe Streets and Spaces

- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

5.8. **Managing Development Document (adopted April 2013) (MDD)**

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM2 Local shops
- DM8 Community infrastructure
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM16 Office locations
- DM20 Supporting a Sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building heights
- DM27 Heritage and the historic environments
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

5.9. **Supplementary Planning Documents include**

- Planning Obligations SPD – LBTH – January 2012
- Draft Sustainable Design and Construction SPG (July 2013)
- Shaping Neighbourhoods: Character and Context - draft (February 2013)
- Housing Supplementary Planning Guidance (November 2012) (GLA)
- Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)
- Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
- London View Management Framework SPG (March 2012)
- London World Heritage Sites - Guidance on Settings SPG (March 2012)
- SPG: Planning for Equality and Diversity in London (October 2007)
- SPG: Sustainable Design and Construction (May 2006)
- SPG: Accessible London: Achieving an Inclusive Environment (April 2004)
- SPG: The control of dust and emissions during construction and demolition (July 2014)
- Isle of Dogs Area Action Plan

5.10. **Tower Hamlets Community Plan**

- The following Community Plan objectives relate to the application:
- A Great Place to Live



A Prosperous Community  
A Safe and Supportive Community  
A Healthy Community

5.11. **Other Material Considerations**

EH Guidance on Tall Buildings  
Seeing History in the View  
Conservation Principles Policy and Guidance (English Heritage)  
Millennium Quarter Masterplan Guidance (2000)

**6. CONSULTATION RESPONSE**

6.1. The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2. The following were consulted regarding the application:

**Crossrail Limited**

6.3. Crossrail Limited do not have any comments on this application.

6.4. *[Officer Comment: This is noted]*

**LBTH Parks and open spaces**

6.5. No comments received

**Secure by Design**

6.6. No objections are raised in relation to the sighting of this development or the proposed designs of the buildings concerned.

6.7. A condition is recommended to achieve Secured by Design for this build due to the prominent location opposite an iconic site in Canary Wharf and the history of the site (site of the 1996 Terrorist Attack).

6.8. *[Officer Comment: The suggested condition is recommended should planning permission be granted]*

**Environmental Health - Contaminated Land**

6.9. Environmental Health Contaminated Land have reviewed the submitted information and consider there is a possibility for contaminated land to exist, they have recommended a condition to ensure any contaminated land is appropriately dealt with.

6.10. *[Officer Comment: The suggested condition is recommended should planning permission be granted]*

### **Environmental Health - Air Quality**

- 6.11. No comments received.
- 6.12. *[Officer Comment: The air quality has been fully considered within the submitted Environmental Assessment and conditions will be imposed to ensure a construction management plan which includes measures to reduce the impact on air quality are fully adhered to]*

### **Environmental Health – Noise and Vibration**

- 6.13. No objections raised subject to the imposition of conditions relating to noise, and hours of operation for the D1 and A3 uses.
- 6.14. *[Officer Comment: This is noted and compliance with the noise reports will be recommended as conditions should planning permission be granted]*

### **Communities, Localities and Culture (CLC)**

- 6.15. CLC note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. Various requests for s106 financial contributions are sought.
- 6.16. *[Officer Comment: The various Section 106 financial contributions sought have been agreed with the applicant and are discussed within the main body of this report]*

### **Natural England (NE)**

- 6.17. Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 6.18. The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Natural England have encouraged the incorporation of GI into this development.
- 6.19. Natural England have also advised that this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The NE authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.
- 6.20. *[Officer Comment: The proposed development benefits from a large proportion of public open space incorporating a large number of trees and vegetation. This*

*along with conditions aimed at ensuring biodiversity gains have been recommended]*

### **Conservation and Design Advisory Panel (CADAP)**

- 6.21. CADAP were consulted on the application at pre-application stage and the comments made included the following design comments:
1. Concerns raised over the proposed location of the vehicular ramp
  2. Basement depth inhibiting tall trees
  3. Lack of information on tenures
  4. Mixed views were raised by members over the height of the tallest tower
  5. The design and layout of the twisted grid was considered an intelligent move that breaks form of Canary wharf
  6. The active and legible public realm was considered a very positive move.
- 6.22. *[Officer Comment: In response, the proposed vehicular ramp has now been omitted from the proposals in favour of car lifts. At pre-application stage, further information was provided to demonstrate trees could work within the space provided and the example of Jubilee Gardens was give. In addition, the height of the tallest tower has fallen to below the 'shoulder' of Canary Wharf]*

### **BBC Reception Advice**

- 6.23. No comment received

### **London City Airport (LCY)**

- 6.24. LCY has no safeguarding objection. However, in the event that during construction, crantage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation with LCY.
- 6.25. *[Officer Comment: This is noted and a condition is recommended should planning permission be granted]*

### **English Heritage**

- 6.26. Given the application would form part of a coherent part of the emerging tall building cluster English Heritage has no significant concerns with the proposed tall building SQP1 in this location.
- 6.27. *[Officer Comment: This is noted]*

### **English Heritage Archaeology (EHA)**

- 6.28. EHA have advised the proposed development may affect remains of archaeological importance. However, EHA do not believe further work is not required to be undertaken prior to determination of this planning application.

- 6.29. In the event planning permission is granted a EHA have requested a condition to secure detailed investigations to ensure any remains are extensively investigated.
- 6.30. *[Officer Comment: EHA have advised on the wording of the condition, which is recommended should planning permission be granted]*

**Environment Agency (EA)**

- 6.31. The Environmental Agency have not raised objections to the scheme, subject to a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.
- 6.32. *[Officer Comment: These comments have been taken into account and the relevant condition is recommended should planning permission be granted]*

**London Fire and Emergency Planning Authority (LFEPA)**

- 6.33. No information is provided in relation to water supplies so limited comments can be made, the applicant is advised to contact the LFEPA
- 6.34. *[Officer Comment: Given this matter will be further considered within the building control stage no further action is considered necessary, however an informative is recommended to advise the applicant]*

**Tower Hamlets Primary Care Trust**

- 6.35. The proposed number of residential units generates a Health Contribution which should be secured by a legal agreement.
- 6.36. *[Officer Comment: This is noted and the s106 is discussed in greater detail within the material planning section of the report]*

**London Bus Services Ltd.**

- 6.37. No comments received.

**TFL London Underground**

- 6.38. No objections raised.

**The Twentieth Century Society**

- 6.39. No comments received

**Network Rail Infrastructure Ltd.**

- 6.40. No comments received.

### **The Victorian Society**

- 6.41. No comments received

### **Thames Water Utilities Ltd.**

#### TheWaste Comments (TW)

- 6.42. In order for Thames Water to determine whether the existing sewer network has sufficient spare capacity to receive the increased flows from the proposed development, a drainage strategy must be submitted detailing the foul and surface water strategies. If initial investigations conclude that the existing sewer network is unlikely to be able to support the demand anticipated from this development, it will be necessary for the developer to fund an Impact Study.

#### Water Comments

- 6.43. TW have advised that the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend a condition be imposed requiring the submission of an impact study determining the new additional capacity required in the system and a suitable connection point.
- 6.44. Lastly, TW have advised that no impact piling should take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.
- 6.45. *[Officer Comment: The comments have been noted and all requested conditions and informatives are recommended on the planning permission]*

### **London Borough of Southwark**

- 6.46. No comments received.

### **Canal and Rivers Trust (CaRT)**

- 6.47. The Canal & River Trust has no objections to the proposed development, subject to the conditions relating to surface water, survey of dock wall, details of lighting, landscaping and a risk assessment for all work adjacent to the dockside walkway.
- 6.48. *[Officer Comment: These comments have been noted and all requested conditions are recommended should planning permission be granted]*

### **Royal Borough of Greenwich**

- 6.49. Greenwich Council objects to the proposal to construct a tower of up to 68 storeys. The Council expresses concern on the excessive height of a development that would be located significantly to the south of the existing Canary Wharf cluster of tall buildings. The proposed development will bring new tall buildings even closer

to the northern edge of the Maritime Greenwich World Heritage Site, and as a result, would have detrimental impact on the setting of the World Heritage Site and the panoramic views from General Wolfe Monument in Greenwich Park, contrary to Greenwich's policies and the London View Management Framework Supplementary Planning Guidance, March 2012 (LVMF).

- 6.50. *[Officer comment: These issues are addressed within the main body of the report, however in summary the GLA and English Heritage considered the height to be acceptable in relation to wider townscape views including the LVMF]*

### **Greater London Authority**

- 6.51. London Plan policies on housing, urban design, inclusive design, climate change, and transport are relevant to this application:

#### Principle of redevelopment

- 6.52. In light of the recognition within the London Plan that surplus business capacity can be released in this location, the proposed renewal and consolidation of office floorspace as part of this application is considered acceptable in strategic planning terms.
- 6.53. The principle of housing on this site as part of any redevelopment proposals is also supported by the GLA.
- 6.54. The GLA have raised a strategic concern regarding the quantum of housing within emerging proposals and the potential barriers to the delivery of this development, which includes the need to secure social and physical infrastructure. They have advised that the applicant should fully engage with the Councils plans for the masterplan.
- 6.55. *[Officer comment: The applicant has engaged with the emerging masterplan where possible and has offered significant financial contributions towards providing much needed transport infrastructure]*

#### Housing

- 6.56. At the time of the stage 1 report, the viability of the scheme was still being reviewed by the Council. As such, the GLA was unable to confirm whether the maximum reasonable amount of affordable housing was being secured, nor whether the proposal complied with policy 3:12 of the London Plan which required a split of 60:40 between rented accommodation and intermediate accommodation.
- 6.57. *[Officer comment: the viability of the scheme has been independently verified and outlines that the application also maximises affordable housing and as such, is supported. This is discussed further within the housing section of the report]*

#### Density

- 6.58. The density of the proposed development is 2267 habitable rooms per hectare, which is above the guide of 650 to 1,100 habitable rooms per hectare. The GLA does not have an in-principle objection to high density developments however

advise that such densities should be assessed in relation to the local amenities, infrastructure and services to support the development.

- 6.59. *[Officer comment: this is noted. Following revisions to the scheme the number of units has been reduced and subsequently, the density has aswell. In relation to infrastructure the applicant has amended the proposals to include a crèche facility. The applicant has also agreed to a bridge landing zone to help facilitate a new connection to Canary Wharf]*

#### Child Play Space

- 6.60. The GLA consider that once the housing mix is confirmed the Child Play Space should be calculated and a series of conditions be imposed to ensure it is delivered to a high quality.
- 6.61. *[Officer comment: this is noted and conditions will be imposed to ensure the play space is of high quality]*

#### Urban design

- 6.62. The GLA consider the animation at ground floor to be broadly acceptable with the exception of the western edge of the application site, which is where the proposed bridge landing zone is to be. The GLA are particularly concerned over the location of the ramp providing access to the basement and the resulting impact of the route becoming indirect and illegible.
- 6.63. *[Officer comment: Following discussions with the GLA and LBTH the scheme has been amended to omit the ramp from this location. The applicant has instead agreed to a series of car lifts to provide basement access and these are to be located to on the western façade of SQP1]*

#### Residential Quality

- 6.64. The GLA is concerned with floors having up to twelve residential units sharing the same landing zone, which is higher than the eight units set out within the Housing SPG.
- 6.65. *[Officer comment: The applicant has explored ways of providing a variety of units sizes, given the slender form of the building, this has resulted in some floors with more than 8 units per core. In response, the applicant has advised that whilst some floors have more than 8 units, the layouts ensure flats are accessed from one of two communal corridors ensuring a sense of ownership. This is considered an acceptable compromise which optimises housing whilst ensuring a sense of ownership is maintained]*

#### Height and strategic views

- 6.66. The GLA suggest that the 73 storey building will become the tallest building within the Canary Wharf cluster, however given the distinctive rooftop of One Canada Square will remain visible within the cluster the resulting shift does not raise a strategic concern.
- 6.67. *[Officer comment: This is noted, since submission the height of the tallest tower has dropped to below the rooftop height of One Canada Square. As such, the*

*impact of the height on Strategic views has also been reduced. See design section of this report for further discussions on this point]*

- 6.68. The GLA have advised that the applicants townscape, visual and built heritage impact assessment illustrates the proposal will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs and as such, no concern is raised in this respect. Furthermore, the GLA have commented that the building will not harm the setting of listed buildings within the world heritage site (Martime Greenwich) or any listed buildings within Canary Wharf.
- 6.69. *[Officer comment: This is noted]*

#### Climate change

- 6.70. The GLA have advised that further information regarding overheating is required and further savings should be made through energy efficiency measures alone. Connection to Barkantine should be prioritised, and appropriately secured by the Council.
- 6.71. *[Officer Comment: The applicant has provided further information and this is discussed within the 'energy section' of this report]*

### **GLA/ Transport for London**

#### Car Parking

- 6.72. TfL/GLA confirms that the quantity of residential parking spaces is acceptable and the applicant will need to provide Electric Vehicle Charging Points (EVCP) in line with the London Plan Standard (20% active and 20% passive). A parking management strategy is also recommended to ensure the Blue Badge spaces are available when needed. Lastly, a car free agreement is also requested.
- 6.73. *[Officer comment: This is noted and the relevant conditions/obligations are suggested]*

#### Cycle Parking

- 6.74. TfL confirms that the quantity of residential parking spaces is acceptable.
- 6.75. TfL confirm the number of visitor cycle parking spaces is acceptable, however have requested clarification on the location of the staff and any shower and changing facilities.
- 6.76. *[Officer comment: The applicant has confirmed the location of the spaces and also the relevant changing facilities within the basement levels. This is considered acceptable]*

#### Walking and public realm

- 6.77. To alleviate the pressure at South Quay footbridge identified by the PCL audit TfL and the GLA have advised that they strongly support the principle of delivering a bridge connecting the South Quay area with the Canary Wharf estate, as this



will not only improve pedestrian/cycle connections but create a direct route to the eastern entrance to Canary Wharf station at Montgomery Square.

- 6.78. To expedite the construction of the bridge, TfL and GLA encourage Tower Hamlets Council to consider pooling funding sources, including a Section 106 contribution from this development and others within the local area.
- 6.79. *[Officer comment: It is recommended that the bridge landing zone and a s106 contribution have been secured if planning permission is granted and this is discussed further within the highways section of this report]*

#### Trip Rate & Modal split (assessment of impacts)

##### Vehicular

- 6.80. TfL confirms that the vehicular trip rate is likely to be slightly more than for the current land use. However, due to the cumulative impacts of other developments and the congested nature of the only two roundabouts connecting the network to the Isle of Dogs, TfL has requested a contribution from this site to deliver a series of improvements at Preston's Road roundabout.
- 6.81. *[Officer comment: The requested financial contribution has been agreed by the applicant and is to be secured within the s106 agreement]*

##### Public Transport - DLR

- 6.82. TfL considers the installation of a second footbridge across South Quay to be a suitable method of mitigating the impact on the DLR.
- 6.83. *[Officer comment: This is noted and the provision of the second footbridge is strongly supported by officers]*

##### Public Transport - Buses

- 6.84. TfL has identified bus capacity constraints at this location during the AM peak and is seeking a contribution of £200,000 towards additional bus capacity in the local area to be included within the Section 106 agreement.
- 6.85. *[Officer comment: It is recommended that a contribution towards bus capacity be secured by way of the s106 agreement if planning permission is granted]*

##### Public Transport - cycle hire

- 6.86. TfL is seeking pooled contributions from sites within the emerging South Quay Masterplan area towards the provision of additional cycle hire capacity. Therefore, in accordance with London Plan policy 6.9 'cycling', TfL requests that the Council secures a contribution of £70,000 within the section 106 agreement towards the provision of additional cycle hire capacity within the site's locality.

- 6.87. *[Officer comment: A contribution towards cycle hire has been agreed and is recommended to be secured within the s106 agreement]*

### Freight

- 6.88. All loading and unloading activity of delivery and servicing vehicles associated with the proposed development is to take place on site and this is supported by the GLA and TfL. A Delivery and Servicing Plan (DSP) has been provided and reviewed and TfL consider the content to be acceptable.
- 6.89. Although construction is referenced within the TA, given the scale of the development, a framework Construction and Logistic Plan (CLP) would be required. The CLP should include the cumulative impacts of construction traffic, likely construction trips generated, and mitigation proposed. Details should include; site access arrangements, booking systems, feasibility of using nearby mooring facilities, construction phasing, vehicular routes and scope for load consolidation or modal shift in order to reduce the number of road trips generated. Considering the location of this development, the potential of using the waterway for the construction should be investigated within the CLP.
- 6.90. *[Officer comment: It is recommended that the CLP is recommended as a condition if planning permission is granted]*

### **Other issues**

#### Crossrail/CIL

- 6.91. The site is located within the Isle of Dogs Charging Area where Section 106 contributions for Crossrail should be secured. The mayoral CIL is also applicable to the development.
- 6.92. *[Officer comment: This is noted and to be discussed within the main body of this report]*

### **LBTH Highways**

#### Car Parking

- 6.93. Highways are concerned with the cumulative impact of development on traffic on the Isle of Dog and in particular two junctions onto the Island – Preston's Road roundabout and Westferry, and have a preference for the proposed parking to be reduced.
- 6.94. Highways also have concerns that the provision of 10% of on-site wheelchair spaces could leave shortfall compared to the number of wheelchair units.
- 6.95. *[Officer comment: Given the significant reduction of car parking from the existing site, it is considered difficult to seek a further reduction in parking spaces especially given the level of parking accords with Council policy. Furthermore, the*

*10% wheelchair units are in accordance with policy. In addition, the proposed development proposes a substantial contribution for a new pedestrian bridge, which would have significant transport infrastructure to mitigate against other transport impacts. In addition, a parking management strategy is to be secured by condition. As such, officers on balance, consider the proposed level acceptable]*

#### Cycle Parking

6.96. The proposed cycle parking is considered acceptable.

6.97. *[Officer comment: This is noted]*

#### Servicing

6.98. Highways require clarification on HGV holding area and how it will be managed by the applicant.

6.99. The applicant commits to a condition requiring appropriate warning signage to assist pedestrians negotiating the HGV holding area. This is welcomed.

6.100. *[Officer comment: The applicant has submitted an Estate Management Plan which outlines that a management company will be employed to manage the day to day running of the site]*

#### Trip Generation

6.101. Highways are concerned over the additional 117 trips on the DLR will be generated during the AM peak, of which 94% will use services accessed from the northbound South Quay platform.

6.102. To mitigate this, Highways are of the view the bridge is essential to support the development proposed in the South Quay area.

6.103. Lastly. A number of conditions (Construction Management Plan, Delivery and Service Plan, Travel Plan, Scheme of highway works, Drainage are recommended should consent be granted.

6.104. *[Officer comment: these are noted and the relevant conditions are recommended should planning permission be granted]*

#### **LBTH Refuse**

6.105. Waste strategy as described in design and access statement and demonstrated in the Basement Level 1 and Ground Level Plan is satisfactory. However, using current waste planning guidance, the total number of euro bins proposed for SQP is 85 and this is considered to be too much. To help mitigate this, Refuse are suggesting that either the holding area (that would have held these bins at ground floor level) or the basement can be adapted to store mobile compactors that range from about 10 to 27 cubic metres in capacity.

6.106. *[Officer comments: This is noted, the level of bins accords with current policy and as such is considered acceptable. The applicant has also agreed for refuse to be conditioned to ensure it takes into account future refuse requirements]*

## 7. LOCAL REPRESENTATION

7.1. At pre-application stage the applicant undertook their own community consultation. This took place at the Lanterns Studio Theatre.

7.2. At application stage a total of 6844 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses                      45            Objecting: 43            Supporting: 0

No of petitions received: 0

\*the consultation responses include an objection from a local ward Councillor.

7.3. The following were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report. The full representations are available to view on the case file.

### Objections

- The proposal should be held in abeyance until a masterplan is developed for the area
- The height is unacceptable and would disrupt Canary Wharf skyline;
- Lack of green space;
- Lack of supporting amenities, facilities and access to the site;
- The increased population would put further undue strain on schools, hospitals and transport infrastructure including the Jubilee Line and pedestrian bridge across South Dock;
- The proposal would increase noise and vibration to surrounding properties;
- The proposal would create noise, disturbance and dust during construction;
- The proposal will result in reverberating noise to existing buildings;
- Further strain on refuse collection
- Loss of light and privacy to neighbouring properties and overshadowing;
- Loss of value to neighbouring properties;
- Adverse impact on wind tunnelling.

7.4. *(Officer comment: The proposed height, density, scale, massing and height are addressed in Chapter 8 of this report as is the effect on local and strategic views, public realm, the impact on local services and infrastructure, noise and vibration, daylight/sunlight, privacy and overshadowing.*

7.5. *Similarly transportation impacts are addressed further within this report.*

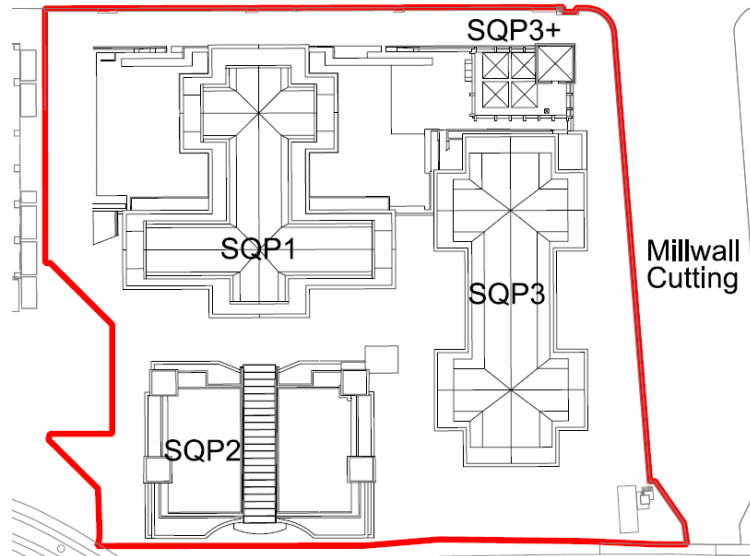
- 7.6. *Loss of value to neighbouring properties is not normally considered a material planning consideration.*
- 7.7. *The Council is preparing a South Quay Masterplan SPD, to ensure that development in the Marsh Wall area comes forward in a planned and appropriate manner. Given its early stages of development it has little weight as a planning consideration, and given the Council has a duty to determine planning applications in a timely manner, it cannot prevent the determination on otherwise acceptable application until the masterplan is adopted.*
- 7.8. *In relation to construction phase impacts, the Council considers that these matters can be appropriately resolved/mitigated against through conditions such as a construction management plan.)*

## **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1. The main planning issues raised by the application that the committee must consider are:
- § General Principles/ Land Use
  - § Urban Design
  - § Housing
  - § Amenity
  - § Transport, Connectivity and Accessibility
  - § Energy and Sustainability
  - § Biodiversity
  - § Environmental Considerations (Air Quality, Microclimate, Contaminated Land)
  - § Environmental Statement
  - § Planning Contributions and Community Infrastructure Levy
  - § Local Finance Considerations
  - § Human Rights
  - § Equalities

### **PROPOSAL**

- 8.2. The proposal seeks planning permission for the demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential-led mixed use buildings of up to 68 storeys and up to 36 storeys and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.
- 8.3. The existing site takes the form of four buildings, namely SQP1, SQP2, SQP3 and SQP3+ as shown in the following map.



*Existing South Quay Plaza Layout SQP3 to be retained.*

- 8.4. SQP2 is positioned at the southwest corner of the site with frontage onto Marsh Wall and provides approximately 1,140sqm of retail use, 668sqm of office use, and a 630sqm health facility.
- 8.5. SQP1 and SQP3 are the most prominent buildings, providing approximately 18,895sqm and 28,181sqm of office use respectively. SQP3+ is located at the northeast corner of the site and provides approximately 588sqm of retail use.

Proposed

*SQP1*

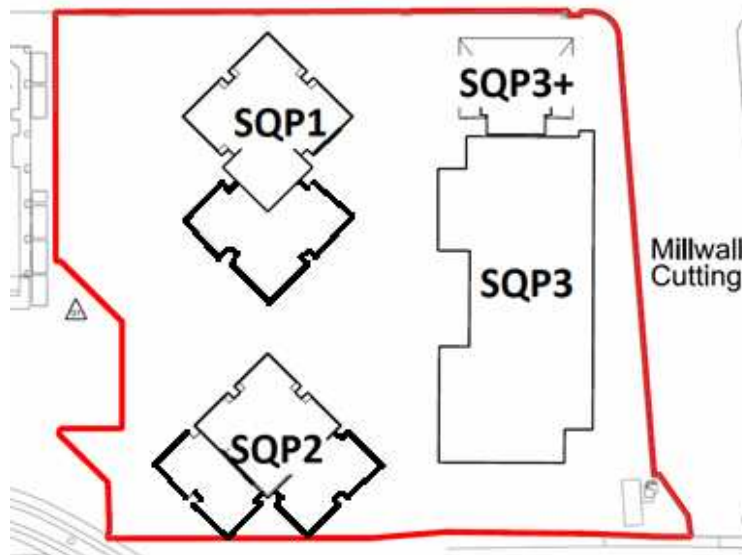
- 8.6. SQP1 is to be a part 56 (181m AOD) and part 68 storey(220m AOD) building comprising retail uses at ground floor, ancillary residential leisure facilities at 1<sup>st</sup> and 2<sup>nd</sup> floors and residential above. The 56<sup>th</sup> Storey is to contain enclosed residential gardens.

*SQP2*

- 8.7. SQP2 is to be a part 27 Storeys (95m AOD) and part 35 storeys (120m AOD) located on the southern portion of the site opposite the DLR Railway line.
- 8.8. The application proposes loading bays for servicing, retail uses, residential lobbys and a crèche lobby at ground floor. At level 1, ancillary residential uses are proposed and a crèche use. The remaining floors above are all in residential use, with two residential gardens at level 28.
- 8.9. A total of 888 units are proposed of which 110 are rented, 72 intermediate and 700 market sale. All the rented units are located within SQP2, whilst the 72 intermediate units are located within SQP1.

### SQP3+

- 8.10. SQP3+ is to be a linked building adjoining the existing office building SQP3. The proposed building is to be 6 storeys in height and (30m AOD). The ground floor is to be residential, with B1 office floorspace above. The proposal also seeks to convert the ground floor of SQP3 to retail with office above. The aim being to maximise the active frontages at ground floor levels across the entire site.
- 8.11. The proposed buildings are shown in the following map.



*Proposed South Quay Plaza Layout*

- 8.12. Two basement levels are also proposed to provide parking spaces, cycle spaces and back of house facilities.
- 8.13. Overall, the proposal involves the net gain of 91,263 m<sup>2</sup> of residential floor space, a net gain of 451m<sup>2</sup> of retail floorspace and a net loss of 36m<sup>2</sup> of D1 floorspace. The proposal also results in the net loss of 16,732 m<sup>2</sup> office floor space.

### **GENERAL PRINCIPLES/ LAND USE**

- 8.14. This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.
- 8.15. At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to significantly boost the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

- 8.16. The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1).
- 8.17. Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.
- 8.18. The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages mixed-use development in the area to provide a 'strategic housing component' and seeks to ensure development includes commercial space, open space and other compatible uses. The development is within a Tower Hamlets Activity Area where a mix of uses is supported, with active uses on the ground floor.
- 8.19. The proposal is for the construction of a mixed use residential-led development, including retail uses at ground floor. This would be consistent with London Plan Isle of Dogs Opportunity Area policies, which seek housing as well as employment growth. The active (retail) uses at ground floor with residential above are also in accordance with the objectives of the policy DM1 (Tower Hamlets Activity Areas) and is in accordance, in respect of the land use, with the Site Allocation.
- 8.20. The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1).
- 8.21. Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.
- 8.22. The proposal involves the loss of 16,981sqm of office floorspace. Policy DM15(1) of the MDD normally seeks 12 months marketing evidence to demonstrate the site is not suitable for continued employment use due to its location, viability, accessibility, size and location. However, paragraph 15.4 of the MDD states '*The Council seeks to support employment floor space in suitable locations; however a specific approach is required to help deliver site allocations and their component strategic infrastructure uses. The Council recognises that the nature of uses proposed on site allocations requires a change from the existing uses. As such part (1) of the policy does not apply to site allocations.*' As this site, is part of the Millennium Quarter site allocation an assessment against policy DM15(1) of the MDD is not required.
- 8.23. Nether the less, the applicant has advised that the main occupier of South Quay is the Financial Services Authority. The applicant has advised that they are in the



process of being re-located to the refurbished offices at Harbour Exchange Square (to the south of the application site). In addition, given the retention of SQP3, the proposal will retain some office use on the site. As such, there will not be a complete loss of office use within the site, with the remaining office space contributing to a mixed use development.

- 8.24. The re-provision of the D1 floorspace in the form of a crèche satisfies policy DM8 of the MDD which seeks to retain community uses.
- 8.25. Overall, it is considered that the land uses proposed are acceptable and accord with the sites allocation and the London Plan.

### **Density/Quantum of Development**

- 8.26. Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.27. The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 8.28. The site's location (setting) is within an Opportunity Area and is within easy access of Canary Wharf Major Centre and the globally significant office cluster in Canary Wharf across South Quay footbridge. Accordingly, the site is 'centrally located' for the purposes of the London Plan Density Matrix. The site's public transport accessibility is good and is PTAL 4.
- 8.29. The site area is 1.32 and the application proposes 888 units (2301 habitable rooms). Therefore, the proposed density is 1743 habitable rooms per hectare (672 units per hectare). When taking into account the remaining office building the habitable rooms per hectare is 2140.
- 8.30. The London Plan matrix advises for sites with a central location and PTAL of 4-6 a density range of 650 to 1100 habitable rooms per hectare may be appropriate. London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment. Further guidance is provided by the Mayor of London Housing SPG.
- 8.31. Advice on the interpretation of density can be found in the SPG which reads as follows:

*"...the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone grappling with the thorny*

*issue of density tends to go round in circles – moving between these two extreme positions.”*

8.32. The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors. The SPG outlines the different aspects which should be rigorously tested, these include:

- inadequate access to sunlight and daylight for proposed or neighbouring homes;
- sub-standard dwellings (size and layouts);
- insufficient open space (private, communal and/or publicly accessible);
- unacceptable housing mix;
- unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
- unacceptable increase in traffic generation;
- detrimental impacts on local social and physical infrastructure; and,
- detrimental impacts on visual amenity, views or character of surrounding area.

8.33. An interrogation of this proposal against these standards in the London Plan Housing SPG is set out in the following sections of this report. On balance, it is considered that the proposed development meets the majority of criteria and mitigates against its impact and as such, the proposed density can be supported in this instance.

## **URBAN DESIGN**

### Policies

8.34. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

8.35. CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).

8.36. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.

- 8.37. Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.38. Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations. In this case, the site is within an Activity Area, which is the next one 'down' in the hierarchy.
- 8.39. The Local Plan Site Allocation for Millennium Quarter seeks comprehensive mixed-use development to provide a strategic housing development and sets out a number of design principles which are drawn from the Millennium Quarter Masterplan (2000). The design principles include:
- “Respect and be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its dockside location; specifically it should step down from Canary Wharf to the smaller scale residential areas south of Millwall Dock;
  - Protect and enhance the setting of...other surrounding heritage assets including the historic dockside promenade;
  - Development should be stepped back from the surrounding waterspaces to avoid excessive overshadowing and enable activation of the riverside;
  - Create a legible, permeable and well-defined movement network...”
- 8.40. As identified in the London Plan, the Blue Ribbon Network is spatial policy covering London’s waterways and water spaces and land alongside them. Blue Ribbon Network policies within the London Plan and Local Plan policy DM12 requires Council’s, inter alia, to ensure:
- That development will provide suitable setbacks, where appropriate from water space edges;
  - Development adjacent to the Network improves the quality of the water space and provides increased opportunities for access, public use and interaction with the water space.

#### Local context

- 8.41. The site is situated with the Marsh Wall area of the Isle of Dogs. The Isle of Dogs has seen significant change over the last twenty years. At its heart is the Canary Wharf Estate, with One Canada Square its focal point at 50 storeys (245m AOD).
- 8.42. To the east of the Canary Wharf Estate is a site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved in July to approve an outline proposal for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m (AOD).

- 8.43. To the south of Canary Wharf is South Dock, a water body that is circa 80m wide.
- 8.44. On the southern side of South Dock is a main east-west road, Marsh Wall. Along Marsh Wall there are number of recent developments and approvals including Landmark Towers 145m high, Pan Peninsula 147m high and an approval for a 38/39 storey hotel at 40 Marsh Wall.
- 8.45. There are also a number of current applications within this South Quay/Marsh Wall area for substantial residential towers including at 2 Millharbour, Arrowhead Quay and Meridian Gate.
- 8.46. To the south of Marsh Wall, heights drop off relatively rapidly, with the maximum height at Indecon Court behind the application site currently being constructed at 99m A.O.D. The most notable exception to this drop in height is the proposed development at the former London Arena Site (now known as Baltimore Wharf) at which, a 44 storey building is currently being constructed with a height of 155 A.O.D. Further south of Marsh Wall, the height drops to as little as 4 stories in height and generally in residential use.
- 8.47. It is possible to draw some conclusions about the townscape in this area. Canary Wharf is a cluster of large floor plate towers and other office buildings, forming the heart of this tall building cluster. To the west are a number of approvals for tall towers which would act as markers at the end of the dock with the River Thames behind which would provide the setting for these towers to 'breathe'. Along Marsh Wall, there is a transition in heights from City Pride marking the end of the South Dock, with more modest towers at Landmark, the approved hotel at 40 Marsh Wall and the two residential towers at Pan Peninsula.
- 8.48. It is within this existing and emerging context, that this proposal must be considered, with greater weight attached to the consented and built schemes as outlined within the 'Relevant Planning Section' of this report.

#### Ground Floor

- 8.49. The proposed ground floor of all three new buildings comprises predominantly retail uses and residential entrances. The buildings are designed in such a way that all facades are activated. This has been achieved by providing the servicing needs in the basement.
- 8.50. The design is considered to be of highway quality with various pedestrian walkways aimed at providing an attractive permeable development. The ground floor is shown in the following image.



### Building Heights

8.51. Policy 7.7 of the London Plan states that tall and large buildings should:

- Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
- Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
- Individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
- Incorporate the highest standards of architecture and material, including sustainable design and construction practices;
- Have ground floor activities that provide a positive relationship to the surrounding streets;
- Contribute to improving the permeability of the site and wider area, where possible;
- Incorporate publicly accessible areas on the upper floors, where appropriate;
- Make a significant contribution to local regeneration.

8.52. The Tower Hamlets Local Plan sets out a location-based approach to tall buildings in the borough focussed around the town centre hierarchy. The Core Strategy identifies Aldgate and Canary Wharf as two locations for tall building clusters within the borough; whilst policy DM26 sets out a hierarchy for tall buildings in the borough ranging from the two tall building clusters at Canary Wharf and Aldgate followed by the Tower Hamlets Activity area (in which South Quay is located), district centres, neighbourhood centres and main streets, and areas outside town centres.

8.53. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. The policy seeks a hierarchical approach for building heights, with the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expecting to be lower in Central Activity Zones and Major Centres and expected to faller even more within neighbourhood centres. The lowest heights are expected areas of outside town centres. This relationship is shown within figure 9 of the Managing development Document, which is located below and referenced within policy DM26 of the MDD.



8.54. For the Tower Hamlets Activity Area, the policy, inter alia, sets out the need to demonstrate how the building responds to the change in scale between the tall buildings in Canary Wharf cluster and the surrounding lower rise residential buildings.

8.55. The proposed scheme at 68 storeys (220m AOD) is 25 metres lower than 1 Canada Square which is the tallest building within the Canary Wharf Cluster.

8.56. Having due regard to the existing site context, within Activity Areas, the nearest tall building is Pan Peninsula 147m (AOD) approximately 20m south of the application site. The sites in the immediate vicinity of South Quay are much lower in scale including the consented 40 Marsh Wall (38 storeys).

8.57. The applicant has outlined a number of reasons why a taller building can be considered on this site. These are briefly outlined below.

#### General reasons

- The proposal will meet demand for housing
- The proposal will optimise the use of a brownfield site

#### Site specific reasons

- The sites proximity to the tall building cluster of Canary Wharf
- Not located near conservation areas or listed buildings
- Site is located within a junction between Marsh Wall and Millharbour and where South Dock and Millwall Dock meet.
- The site was identified as a focal point within the Millennium Quarter Master Plan

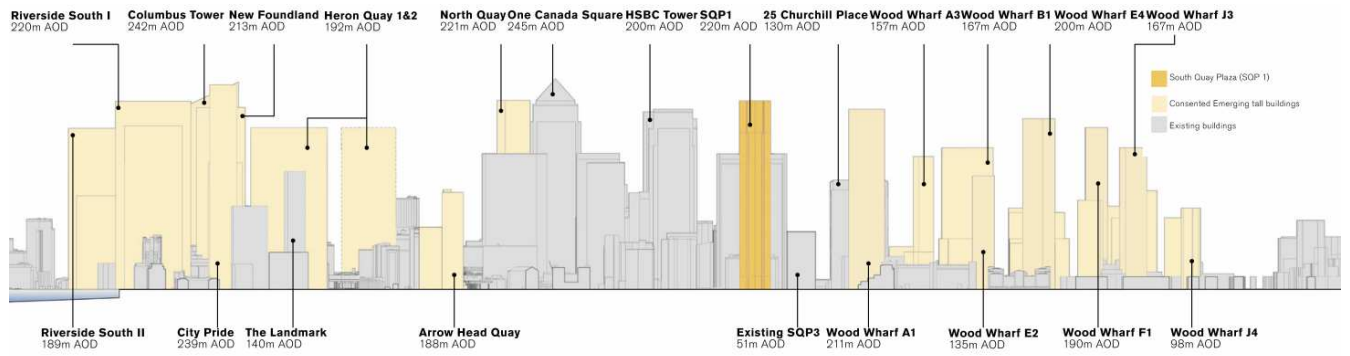
- The sites proximity to local transport including South Quay DLR Station, and potentially the site of a new bridge linking Marsh Wall to Jubilee Line Station and the currently constructed Crossrail Station within a linear line.
  - The site is within a location where high density development is supported
  - The proposal will result in an improvement to the existing townscape
  - The proposed tallest element is most northerly within the Millennium Quarter and close to the Canary Wharf Cluster/ Activity Zone.
- 8.58. The above reasons are noted, however the overall acceptability of the proposed heights is dependent on how the proposal also complies with the criteria set within policy DM26 of the MDD as assessed below.

*DM26(1) Building heights will be considered in accordance with the town centre hierarchy (as illustrated in Figure 9 above) and the criteria stated in part 2.*

- 8.59. Officers consider a combination of the above site specific reasons including the sites reference as a focal point within the Millennium Quarter Masterplan and its location at a pivotal north/south and east/west axisto lend sufficient support to a taller building within this location.
- 8.60. It is also noted that the proposed design combines the material of the dominant office buildings within the Canary Wharf Cluster with the design of typical slender residential buildings such as Pan Peninsular, helping to provide a transition, between the two areas.
- 8.61. Lastly within the site, a transition of heights is proposed to respect the sites location. The tallest building is located northerly towards the cluster, whilst the building closest to Marsh Wall itself is to be stepped with 95m (AOD) element closest to Marsh Wall and 120m (AOD) situated further away. It is noted to mark the end of the dock the recently consented City Pride building is also 239m AOD (75 storeys), which outlines that within the wider activity area buildings can be taller depending on their own specific site assessments.

*DM26(2)a. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;*

- 8.62. The following illustration shows the existing and emerging tall buildings within a cross-section from Marsh Wall looking northwards.



8.63. Overall, with regards to the surrounding context the acceptability of the height is dependent on its impacts on amenity and heritage matters, both of which are discussed further within this report.

*DM26(2)b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.*

8.64. As outlined above, the development has been carefully designed to respond to local context, the proposed heights largely follow the heights of existing and emerging buildings. This has been sufficiently demonstrated within the submitted design and access statement and its addendum.

*DM26(2)c. Achieve high architectural quality and innovation in the design of the building,*

8.65. The design has been extensively consulted on during pre-application and application stage. It is acknowledged that subject to detailed conditions the proposed building is of high quality. The Councils Conservation and Design Advisory Panel (CADAP) were involved within the pre-application stage and raised no in principle objections to the design.

*DM26(2)d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;*

8.66. By virtue of the proposed design, the buildings will be experienced differently when viewed from different streets and during the day and night. The proposed material and orientation of the building will seek to ensure the fenestration and overall appearance is distinctive and attractive within the streetscape.

8.67. The application has been accompanied by a Townscape, Heritage and Visual Impact Assessment, which contains a series of computer generated images outlining existing and proposed visual impacts of the development. Officers are satisfied that the visual impact to the local skyline will be positive and as such is considered acceptable.



*DM26(2)e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;*

- 8.68. This is discussed further within the Heritage section of this report, which follows the design considerations. In summary, officers consider the overall impacts to be acceptable.

*DM26(2)f. Present a human scale of development at the street level;*

- 8.69. The proposed development does not have a podium level to create a human scale as such, however given the proposed towers have significant proportion of open space surrounding the site, along with retail uses at ground floor level, it is considered that the proposed impact at street level is acceptable.

*DM26(2)g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;*

- 8.70. The proposed development by virtue of its design and height limits the options for balconies. As such, winter gardens are proposed. The proposed residential towers have amenity floors, and ancillary leisure spaces. This coupled with the open space provided within the site ensures the proposal is in accordance with policy.

*DM26(2)h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;*

- 8.71. This is discussed further within the amenity section of the report. In summary the micro-climate impacts are considered acceptable.

*DM26(2)i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;*

- 8.72. The proposed open space will contain a variety of different trees and shrubs which will improve the biodiversity of the area. As such, the proposed development is considered to comply with the requirements of this policy.

*DM26(2)j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;*

- 8.73. This is discussed further within the housing section of this report. In summary, it is considered that the proposed development resulting in a socially balanced and inclusive development.

*DM26(2)k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and*

- 8.74. The proposed height is considered to be suitably low to ensure it does not adversely impact on Civil Aviation requirements. In addition, television and radio transmission testing and mitigation will be required as a S106 obligation to mitigate against the impact of the development.

*DM26(2)l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.*

- 8.75. The proposed design has taken into account the various safety requirements involved in residential development including issues such as means of escape. Discussions have also taken place with the secure by design officer to ensure the proposed development is secure by design.
- 8.76. As such, taking the above into consideration the proposed development is considered to broadly comply with the requirements of policy DM26 of the Managing Development Document and policy 7.7 of the London Plan in relation to building heights.

#### Local Views

- 8.77. With any tall building, there is an expectation that it would be situated within a quality of public realm commensurate with its height and prominence. In this case, the proposed buildings are to be centrally located within the site and be surrounded by significant amount of public realm, providing 'breathing' space for the buildings.
- 8.78. Within many local views (Wood Wharf, Glengall Bridge, Preston's Road Footbridge, Blackwall Dock and Marsh Wall West) the proposal sits comfortably building set within a backdrop of similar tall buildings. The proposed slender design also helps the buildings fit in within local views. As such, the scheme is considered to make an appropriate local response as illustrated in some of the local views.
- 8.79. The main view where the proposal appears out of context is within 'view 18 Greenland Dock' within the London Borough of Southwark. Here the proposed taller tower appears distant from the Canary Wharf cluster and much larger than the surrounding buildings. However, when taking into account the lack of significance attached to this view the overall impact on local views is considered acceptable.
- 8.80. The impact of the proposal on Strategic views is discussed further within the heritage section of this report.

#### Architecture

- 8.81. In so far as one can divorce the architecture of the building from its context and how it relates at street level, it is considered the elevation treatment of the proposed buildings are of a high standard. The proposed orientation of the building away from the regular grid designs along with a slender profile will

provide a visual interest and contrast with the commercial tall buildings within the Canary Wharf estate.

8.82. The following is an image of the typical upper floor façade.



#### Secure by Design

8.83. Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.

8.84. The Secure by Design officer has considered the proposed development and has had discussions with the applicant, who is looking to provide 24hour security with CCTV to monitor lifts reception and basement areas, as part of a wider estate wide management plan. Overall, the secure by design officer is satisfied that the proposal will achieve secure by design approval. A condition to ensure secure by design measures are incorporated into the development is recommended to ensure the resulting scheme is safe and secure for residents and the wider area.

8.85. With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the LP and policy DM23 of the MDD.

#### Microclimate

8.86. Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.

8.87. The Environmental Statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting

requires a low wind speed for a reasonable level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.

- 8.88. The wind levels at ground level are generally suitable, with the majority of areas suitable for leisure walking and only two points, that are more suitable for business walking during the windiest periods. It is also noted that the extensive volume of trees proposed within the development will to an extent help shield wind.
- 8.89. Overall, it is considered that the micro-climate within the development is considered acceptable.

#### Inclusive Design

- 8.90. Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 8.91. One of the key disadvantages of the site as existing is the confusing layout and poor segregation of private and public areas. In addition, in terms of wayfinding the existing layout is confusing with poor public realm and a large proportion of the site in hard standing area.
- 8.92. A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The proposed public realm will have level access and development has been designed with the principles of inclusive design in mind.
- 8.93. Entrances provide level access, outdoor spaces are either level or gently sloping and the car parking is accessible to disabled users and 10% of spaces would be reserved for blue badge users. Wayfinding strategies could be designed with less-able and less-mobile pedestrians in mind. Communal amenity spaces are accessible to less-able users.
- 8.94. The proposed new homes comply with 'Lifetime Homes' standards, and provide for 10% of housing units to be wheelchair adaptable (or wheelchair accessible for the affordable rent tenure) across a range of tenures and unit sizes. As such, sufficient measures are provided to ensure inclusive design.
- 8.95. It is noted, that the plans are unclear with regards to lift access to the D1 Crèche, as such a condition is recommended to ensure level access is provided.

#### Design Conclusions

- 8.96. In terms of detailed design, materials and finishes, whilst the building represents a bold and contemporary development, it is considered that that the proposed development reads as a cohesive architectural response and includes design elements that respond to the surrounding built form and public realm and incorporates high quality materials, which is supported. As such, it is considered that the overall design of the scheme is acceptable.

8.97. As such, the urban design, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance with Chapter 7 of the London Plan (2011); Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

### **Heritage**

8.98. The environmental statement (ES) assesses the likely effects of the proposed development on two strategic views within the London View Management Framework (11B.1 from London Bridge and 5A.1 from Greenwich Park). The ES also assesses the likely effects of the development on archaeology on and around the site.

8.99. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.

8.100. London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

8.101. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The two strategic views referred to above are ‘designated’ heritage assets, whilst it is considered that the potential archaeological remains are ‘non-designated’ heritage assets.

### Strategic Views

8.102. The development has the potential to affect two views, which are designated as Strategic within the London View Management Framework; the London Panorama’s from Greenwich Park (LMVF View 5A.1) and London Bridge (LMVF View 11B.1& 11B.2).

8.103. The LVMF SPG describes the downstream River Prospect from London Bridge (Assessment Point 11B.1) as providing views to the Tower of London World Heritage Site, Tower Bridge, and beyond, to the rising ground at Greenwich and the cluster of towers at Canary Wharf. The visual management guidance states that Tower Bridge should remain the dominant structure from Assessment Point 11 B.1 and that its outer profile should not be compromised. The Heritage and Townscape Visual Impact Assessment (HTVIA) analysis shows that the proposal will appear in the distance, to the left (north) of Tower Bridge, behind the Tower Hotel, and to the right (south) of the main tower cluster at Canary Wharf. It will have no impact on the silhouette of Tower Bridge or the Tower of London. Overall,

the proposal will have a negligible impact on the LVMF SPG view and the setting of listed buildings.

8.104. The LVMF SPG describes the London Panorama from the General Wolfe Statue in Greenwich Park (Assessment Point 5A.1) as taking in the formal, axial arrangement between Greenwich Palace and the Queen's House, while also including the tall buildings on the Isle of Dogs. This panorama is located in the Maritime Greenwich World Heritage Site. Paragraph 146 of the LVMF SPG states that:

*"The composition of the view would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London."*

8.105. The HTVIA includes a fully rendered view of the proposal from Assessment Point 5A.1, which demonstrates the impact of the proposals. The proposed building aligns with the axis, appearing in the background of the view to the left (west) of One Canada Square at a similar height. As shown in the following image.



8.106. The applicant's HTVIA illustrates how the building will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs. Within this developing cluster, the building will be perceived as being of a similar height to One Canada Square, however this in itself is not considered objectionable as the views importance is based on the importance of the WHS and the proposed development will not detract from the integrity and importance of the World Heritage Site. As such, whilst the Royal Borough of Greenwich consider the proposal to have a detrimental impact on the setting of the world heritage site, this is not a view shared by LBTH, the GLA and English Heritage.

8.107. The applicants view assessment also includes cumulative views from Assessment points LVMF 2A.1, 4A.1, 5A.1, 11B.1, 11B.2, 12B.1 and 15B.1. Officers have considered these views and considered the proposed development will fall within a larger cluster within distant views and not be unduly detrimental within any of these views.

## Archaeology

- 8.108. The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 8.109. English Heritage (archaeology) advises that the submitted documentation appropriately assesses the likely archaeological remains. Given the likely nature, depth and extent of the archaeology involved, they advise that further fieldwork prior to the determination of the application is not necessary and recommend a condition to agree and implement a Written Scheme of Investigation. Subject to this condition, the impact of the development on archaeology is acceptable.

## Surrounding Conservation Areas and Listed Buildings

- 8.110. It is considered that, having regard to the distance between this site and surrounding heritage assets (including Grade 1 and Grade II Listed dock walls and Coldharbour, West India Dock and Narrow Street Conservation Areas), along with the cumulative effect of consented tall buildings in the Tower Hamlets Activity Area, the proposal would not have an unduly detrimental impact on the setting of these assets.

## **Housing**

### Principles

- 8.111. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" and "Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities."
- 8.112. The application proposes 888 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan is 2,885 units, which would increase to 3,931 units if the 2014 Further Alterations to the London Plan once adopted.
- 8.113. Policy 3.3 of the LP seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

8.114. The following table details the housing proposed within this application.

	<b>Studio</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
Open market	57	329	241	73	0
Affordable Rent	0	24	34	30	22
Intermediate	13	39	26	0	0
<b>TOTAL</b>	<b>70</b>	<b>392</b>	<b>301</b>	<b>103</b>	<b>22</b>
<b>Total as %</b>	<b>8%</b>	<b>44%</b>	<b>34%</b>	<b>12%</b>	<b>2%</b>

8.115. The quantum of housing proposed will assist in increasing London’s supply of housing and meeting the Council’s housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

#### Affordable Housing

8.116. The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London’s population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.

8.117. Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:

- Current and future requirements for affordable housing at local and regional levels;
- Affordable housing targets;
- The need to encourage rather than restrain development;
- The need to promote mixed and balanced communities;
- The size and type of affordable housing needed in particular locations; and,
- The specific circumstances of the site.

8.118. The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.

8.119. The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of



their individual circumstances including development viability” and the need to encourage rather than restrain development.

- 8.120. The affordable housing is 25% by habitable room on-site provision. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council’s financial viability consultants. The review of the appraisal concluded that the proposed delivers the maximum level of affordable housing that can viably be achieved.
- 8.121. The affordable housing is being delivered at a 70:30 split between affordable-rented units and shared ownership units. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. Overall, the tenure split is supported.
- 8.122. The affordable rented units are offered at the LBTH borough framework rent levels for this postcode at the point of occupation. Officers consider an appropriate balance has been reached which optimises affordable housing whilst also seeking to maximise the affordability of that housing.
- 8.123. For information, should the development be completed in line with current rents, the levels would be for 1-bed flats - £224 per week, 2-bed flats at £253 per week, 3 bed flats at £276 per week and 4-bed flats at £292 per week inclusive of service charges.

#### Housing Mix

- 8.124. Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council’s most up to date Strategic Housing Market Assessment (2009).
- 8.125. The following table below compares the proposed target mix against policy requirements:

		affordable housing						market housing		
		Affordable rented			intermediate			private sale		
Unit size	Total units	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	70	0	0	0%	13	17	0%	57	8	0%
1 bed	392	24	22	30%	39	50	25%	329	47	50.00%
2 bed	301	34	31	25%	26	33	50%	241	34	30.00%
3 bed	103	30	27	30%	0	0	25%	73	10	20%
4 bed	22	22	20	15%	0	0		0	0	
5 bed	0	0	0	0%	0	0		0	0	
6 bed	0	0	0		0	0		0	0	
<b>TOT</b>	<b>888</b>	<b>110</b>	<b>100%</b>	<b>100%</b>	<b>78</b>	<b>100%</b>	<b>100%</b>	<b>700</b>	<b>100%</b>	<b>100%</b>

8.126. The affordable rented units are in general accordance with policy with 47% of the affordable rented being family sized, slightly above the Council target of 45%, and variations exist within the 1 and 2 beds. The proposed mix is therefore acceptable.

8.127. The unit mix within the intermediate tenure would see a 17% provision of studios. The Council does not have a target for studios as there is no requirement. When taking into account the one beds, resulting in a 67% provision of studios and one beds against a target of 25% and a 33% provision of two beds against a policy target of 50%. No three bedroom units are proposed against a target of 25%. The lack of three bedroom units within the intermediate section is considered acceptable in this area, as housing have advised that there appears to be a lack of demand for these types of units and given this is offset against the family sized units that have been maximised within the rented units. In addition, given the high value of this area, larger intermediate units are generally considered to be less affordable. For the very same reason it is considered that the 13 studio units are considered acceptable in this instance.

8.128. The private mix is focussed towards studios and 1-and 2 -beds. Consequently, the private housing component of the development would not be policy compliant. However, it is worth noting the advice within London Mayor’s Housing SPG in respect of the market housing. The SPG argues that it is inappropriate to crudely apply “housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements”. The proposed mix in the market housing sector is, in the view of officers, appropriate to the context and constraints of this site and the proposed high-density development.

8.129. The overall mix of unit sizes and tenures would make a positive contribution to a mixed and balanced community in this location as well as recognising the needs of the Borough as identified in the Council’s Strategic Housing Market Assessment. It reflects the overarching principles of national, regional and local policies and guidance.

### Quality of residential accommodation

- 8.130. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.
- 8.131. Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 8.132. All of the proposed flats meet or exceed the London Plan minimum internal space standards. The number of flats per core exceeds the recommended 8 as set out in the Housing SPD, with some floors having up to 12 flats. The applicant has provided separate corridors with each corridor having less than 8 flats. This is considered to accord with objectives of the Housing SPG by providing a sense of ownership. There is no natural light to the corridors, however given the staggered nature of these corridors, natural light would only have a limited benefit in any case.
- 8.133. The flats can be designed in accordance with the Lifetime Homes standards and 10% of units will be wheelchair adaptable (for the private and intermediate tenures) and wheelchair accessible (for the affordable rented tenures) and this is to be secured by condition. The majority of 3 and 4 bedroom units have separate kitchens or can be adapted to have separate kitchens. This is considered acceptable. The proposed flats would not be unduly overlooked by neighbouring properties and subject to appropriate conditions regarding glazing specifications and ventilation would not be subject to undue noise, vibration or poor air quality. The minimum floor-to-ceiling height is 2.56m which is in accordance with relevant policy and guidance.

### Internal Daylight and Sunlight

- 8.134. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 8.135. The Building Research Establishment (BRE) Handbook ‘Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice’ (hereinafter called the ‘BRE Handbook’) provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim “is to help rather than constrain the designer”. The document provides advice, but also clearly states that it “is not mandatory and this document should not be seen as an instrument of planning policy.”
- 8.136. Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC

and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:

- >2% for kitchens;
- >1.5% for living rooms; and
- >1% for bedrooms.

8.137. For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.

8.138. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.

#### Daylight

8.139. The submitted ES includes Average Daylight Factor (ADF) levels available to the rooms within the proposed development. The Council's consultants, DelvaPatmanRedler (DPR) have provided their interpretation of the results.

8.140. DPR have advised that just 61 rooms do not meet the recommended standard of ADF for their use according to the applicants report. DPR also consider that some of 61 are actually compliant when considering an ADF level of 1.5% for the rooms with Kitchens located at the rear of combined living/dining/ kitchens

8.141. As such, DPR consider that the internal daylight results to be of an acceptable level for a building in this urban environment.

#### Sunlight

8.142. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive good sunlight.

8.143. DPR have advised that the sunlight analysis shows that 47% of the rooms within the development do not meet the sunlight criteria. DPR have advised that this is not unusual in this type of dense urban environment. DPR have also advised that they believe it is unlikely that the blocks could be orientated in a more advantageous way, considering the obstruction to sunlight caused by the Pan Peninsular buildings to the south. As such, overall, the levels of sunlight are considered to be commensurate with residents' expectations in this area.

### Amenity space and Public Open Space

8.144. For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child amenity space and public open space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied.

### Private Amenity Space

8.145. Private amenity space requirements are a set of figures which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.

8.146. The application proposes private amenity space in the form of winter gardens to all of the flats in compliance with the above policy standard. Whilst on plan these are referred to as winter gardens, they do not appear thermally separate from the proposed structural design of the towers, and as such, it is considered that they will be considered as part of the floorspace rather than a form of amenity space. Whilst this is not normally supported, given the design of the towers and their height, it is considered a suitable approach, especially taking into account the likely noise caused by the DLR to the south of the site.

8.147. It is also noted that this approach is allowed for within the Housing SPD which states "2.3.26 *In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA and minimum living area of the dwelling, and may be added to living rooms or may form a separate living room. Enclosing balconies as glazed, ventilated winter gardens will be considered acceptable alternative to open balconies for all flats and this solution is recommended for all dwellings exposed to NEC noise category C or D150.*"

### Communal Amenity Space

8.148. Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 930sqm. The proposal would provide approximately 1183sqm of communal amenity space (711sqm at SQP1 in the form of a residential amenity space and gardens at level 56 and 472 sqm at level 28 of SQP2.) The quantum is considered acceptable.

### Child play space

8.149. Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents. The scheme is predicted to contain 200 children (0-15 years of age) using LBTH yields, and 227 children based on the GLA yields. As such, 2000-2270sqm of play space is required. A breakdown by age bracket is provided below (based on LBTH yields):

- 80 children who are between 0 to 3 requiring 800sqm of space;
- 83 children who are between 4 to 10 requiring 820sqm; and,
- 38 children who are between 11 to 15 requiring 234sqm.

8.150. The application has been accompanied with a playspace strategy which seeks to utilise the playspace for doorstep and local playable space for ages 0-11 year olds. Numerically, this equates to 1805sqm of child play space. This leaves a shortfall of 195sqm, when measured against the LBTH yields. The applicants approach is for the younger age groups to be provided on site and the older group to be accommodated within the surrounding area. Given the quality of the design, the minor shortfall in space along with the high quality of open space which could be used for older children this is considered acceptable in this instance.

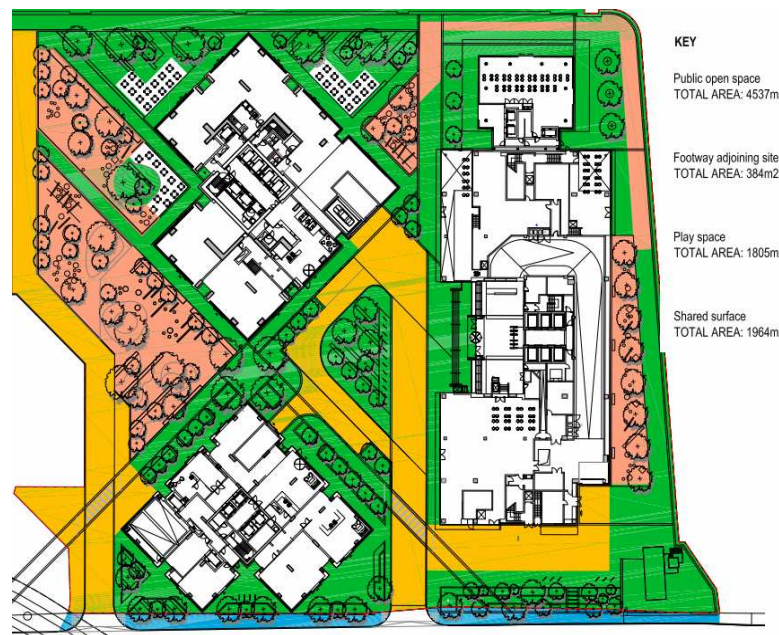
8.151. Detailed design of the child play spaces are recommended to be secured as condition.

### Public Open Space

8.152. Public open space is determined by the number of residents anticipated from the development. The planning obligations SPD sets out that 12sqm of public open space should be provided per person. Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces can be appropriate.

8.153. The applicants approach to development has been to design slender towers freeing up the ground floor plain. This has enabled a large proportion of the ground floor to be set aside as public realm when taking into account Child Play Space it is estimated to be around 52% of the site will be publically accessible space (4537sqm excluding child play space). The design of the space has been carefully considered throughout the planning process and is considered to be of high quality. Furthermore, a financial contribution has been secured towards open space improvements.

8.154. The following plan shows the allocation of the ground floor public realm.



8.155. Overall, officers consider that the approach taken is of sufficiently high quality and will provide an attractive and pleasant contribution to the local area.

Noise and Vibration

8.156. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.

8.157. Policy 7.15 of the LP, policies SP03 and SP10 of the CS and policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.

8.158. The proposed development will be exposed to noise and some vibration from local road and railway transport in close proximity to the development.

8.159. The submitted noise report considers existing noise levels from a variety of noise sources; include rail, car and aircraft.

8.160. This has been reviewed by the Council's Environmental Health Noise and Vibration officer who have confirmed no objections are raised subject to conditions ensuring the relevant standards are met.

Air Quality

8.161. Policy 7.14 of the LP seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.

- 8.162. The Air Quality assessment (chapter 10 of the Environmental Statement) suggests there will be a negligible impact in relation to air quality. The report advises that during construction good site practices such as erecting solid site boundaries, using water as a suppressant, enclosing stockpiles, switching off engines, minimising movements and creating speed limits within the site all can mitigate against any impacts. Officers recommend a Construction & Environmental Management Plan to be secured via condition to ensure suitable measures are adopted to reduce any Air Quality impacts.
- 8.163. It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction & Environmental Management Plan.
- 8.164. As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution

### **Neighbouring amenity**

- 8.165. Adopted policy SP10 of the CS and policy DM25 of MDD requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.
- 8.166. The effects on microclimate, noise and air quality are assessed elsewhere in this report. However, the cumulative impacts of all these potential effects on neighbouring amenity are considered in the conclusion of this section.

### Privacy, outlook and sense of enclosure

- 8.167. In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally considered sufficient to mitigate any perception of privacy to an acceptable level between habitable facing windows. Within non-residential uses, a shorter distance is normally considered acceptable taking into account the nature of the uses and their time of operation.
- 8.168. The proposed development is surrounded by commercial development to the north, around 90m from the northern façade of SQP tower 1, and South Quay Plaza 3 (office development) is located approximately 12m away to the east.
- 8.169. The development known as Pan Peninsular, consisting of two residential towers is located to the south of the site. The western tower is approximately 30m away



from the nearest façade of SQP2 and the western tower is approximately 50m away to the south of SQP2.

- 8.170. The residential development known as Discovery Dock East is located to the west (approx. 30m away) of the application site. Further west, lie Discovery Dock West and the Hilton Hotel.
- 8.171. All the residential developments exceed the 18m privacy distance suggested by the policy text to DM25. In addition to this, as discussed within the design section, the proposed development has been designed away from the traditional 'grid' design with main facades set around '45 degrees' from a typical north-south, east-west facing building.
- 8.172. This design results in the main facades orientated at oblique angles from the neighbouring buildings further ensuring any privacy impacts are minimised.
- 8.173. The assessment of sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. The impact on public vistas and the proposed public realm are discussed elsewhere in this Report. However, in relation to views from neighbouring properties, there is a sufficient distance to ensure that the development would not unduly impact on outlook or create a sense of enclosure from neighbouring existing and future developments.

#### Effect on daylight and sunlight of neighbouring dwellings

- 8.174. DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.
- 8.175. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.176. For calculating daylight to neighbouring properties affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with the no sky line (NSL) assessment, where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 8.177. The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at least 27% VSC or retain at least 80% of the pre-development VSC value.
- 8.178. The NSL is a measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is

reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.

8.179. Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:

- >2% for kitchens;
- >1.5% for living rooms; and
- >1% for bedrooms.

8.180. For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.

8.181. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.

8.182. If the available annual and winter sunlight hours are less than 25% and 5% of annual probable sunlight and less 0.8 times their former value, either the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight.

8.183. The application is supported by a Daylight and Sunlight Assessment (DSA). The Council appointed specialist daylight and sunlight consultants, DelvaPatmanRedler (DPR) to review this assessment. For the purposes of their assessment they have categorised the impacts on both daylight and sunlight impacts using the following criteria.

- A reduction of VSC or APSH up to 20% is considered to have a negligible impact.
- A reduction of VSC or APSH between 20.01% - 29.99% is considered to be a minor adverse impact.
- A reduction of VSC or APSH between 30% - 39.99% is considered to be a moderate adverse impact.
- A reduction of VSC or APSH of more than 40% is considered to be a major adverse impact.

8.184. It is noted that the applicant has used a criteria which is different to this, in that a reduction of VSC or APSH of more than 60% is considered to be a major adverse impact. However, for the purposes of this assessment, and taking on board the advice from DPR the criteria listed above has been used.

#### Daylight - Discovery Dock West apartments

8.185. The study advises that 160 out of 312 windows that have been tested (51% of those tested) experience a reduction above the 20% suggested by BRE for VSC. Of these rooms 122 will see a reduction of more than 30%. In relation to the second test (NSL), just 21 of the 235 rooms tested will experience a reduction of 20% from existing and 3 will see a reduction of more than 30%. As such, DPR have advised that there will be a noticeable reduction in rooms that fail both VSC and NSL standards (it is noted that the majority of rooms do not experience a failure in NSL). Overall, the impact is considered to be moderate to adverse. When taking into account the relative compliance with NSL which in effect means the majority of rooms will continue to have light penetrating to the same depth as existing, the impact on this property is considered acceptable.

#### Daylight – Hilton Hotel.

8.186. DPR have advised that the impact on the Hilton Hotel is negligible.

#### Daylight - Discovery Dock East apartments

8.187. Discovery Dock East by virtue of its siting is considered to be most affected. Within this building 1104 windows have been tested and 487 rooms (44% of these rooms) would experience a reduction in VSC of more than 20% and of these, 446 rooms would experience a reduction of or more than 40%. All these rooms therefore fail the BRE assessment.

8.188. In relation to the second test, the NSL results show that 106 of the 402 rooms tested (26% of tested rooms) would experience a reduction in NSL of more than 20% from existing, and of these 38 rooms will see a reduction by over 40%. However, DPR have also noted that it is relevant that 74% of rooms will experience no material impact on NSL and would therefore will retain a sense of adequate outlook from within these rooms.

8.189. The resulting impact is considered by DPR to be moderate to major adverse impact. In the vast majority of rooms daylight will still be able to penetrate within the room.

#### Pan Peninsular West

8.190. The VSC results for this property show that 329 windows of the 1,123 windows tested would experience a reduction in VSC of more than 20% from existing. 63 will experience a reduction of more than 30% and 22 will experience a reduction of more than 40%.

8.191. However, in relation to the second test the NSL results show that no rooms will experience a reduction of more than 20% from existing and therefore do not meet the NSL standard. DPR have advised that this is because the windows do not directly face the South Quay development and are able to receive sky visibility through longer views, from other directions, principally between the South Quay site and

Discovery Dock. Therefore, the perception of open outlook received within the rooms will not materially change, although the availability of direct skylight to the face of the window will materially change.

8.192. Overall, DPR consider the impact to be a minor adverse on balance.

#### Pan Peninsular East

8.193. The VSC results for this property show that 139 of the 746 windows tested will experience a reduction in VSC of more than 20% from existing. 34 will experience a reduction of more than 30% and 6 will experience a reduction of more than 40%.

8.194. The NSL results show that all rooms meet the NSL standard, as there is little material change in the no-sky line. This is due to the distance of this building from the development site and the ability to see sky visibility around the development.

8.195. As such, DPR consider the overall impact to be minor adverse on balance.

#### Potential development site.

8.196. As part of the Environmental Statement, an assessment was carried out on the adjoining parcel of land to the west of South Quay Plaza, which is acknowledged as a development site. The purpose of this test is to ensure the proposed development will not inhibit the ability of this development being brought forward. As no building exists on this site, it is not possible to assess VSC or NSL. In this respect the best method of testing is ADF.

8.197. The results of the test reveal, any future development on the development site would require secondary rooms to be facing South Quay Plaza, as any rooms facing South Quay Plaza are likely to receive limited light. Given, the eastern part of the site, which adjoins South Quay Plaza site is the shortest part of the site, it is considered that this would not unduly restrict the ability of this site coming forward for development.

8.198. As such, the impact is considered acceptable.

#### Sunlight

8.199. As outlined above, annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south.

8.200. The development site is located to the north of most of the neighbouring buildings tested for the application. As such, the impact on the Hilton Hotel, Pan Peninsular West and Pan Peninsular East is considered negligible.

8.201. With regards to Discovery Dock West, 312 rooms were tested and 11 rooms would APSH during summer and 31 would fail during winter. The resulting impact is considered negligible/minor adverse by the applicants consultant and DPR.

### Discovery Dock East

- 8.202. 455 windows of the 960 windows tested will experience a reduction in APSH of more than 20% from existing. 386 will experience a reduction of more than 40% in the winter months. The results show that the scheme will have a significant impact on sunlight for this property.
- 8.203. The applicant considers the impact to be 'moderate adverse', with a mitigating explanation which includes the fact that 103 of the rooms affected are bedrooms and that many of the rooms have sunlight limited by projecting balconies. It is also relevant that the elevation affected faces almost due east so any development on this site is going to have a material impact on sunlight to Discovery Dock East, particularly to lower floors. DPR consider that the impact should be considered to be moderate to major adverse.

### Shadow Analysis (Sun hours on the ground)

- 8.204. The BRE guidance advise that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no less than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21st of March.
- 8.205. The assessment carried out by the applicant notes the only sensitive area is the amenity area at Discovery Dock East and this will be left with 94.62% of its area seeing two hours of direct sunlight on 21 March. This is considered to be a negligible impact.

### Transient Overshadowing

- 8.206. The BRE guidance give no criteria for the significance of transient overshadowing other than to suggest that by establishing the different times of day and year when shadow will be cast over surrounding areas an indication is given as to the significance of the proposed development's effect. As such, assessment of the potential effect associated with transient overshadowing is made based on expert judgement.
- 8.207. Transient overshadowing diagrams (on hourly intervals throughout the day) have been undertaken at three dates: 21st March, 21st June and 21st December in order to understand the shadowing effects of the development.
- 8.208. The results show that South Quay will cause a relatively fast moving shadow on to the Dock to the north, DPR consider this to be of negligible significance.

### Solar Glare

8.209. Solar Glare is caused by the direct reflection of the sun's rays on reflective surfaces of buildings such as glass or steel cladding. There are no quantitative criteria within the BRE Guidance or elsewhere as to what is acceptable or not for solar glare. It is therefore a professional judgement as to the likely effect of solar glare associated with a particular development, generally though glare reflected at steeper angles is less likely to cause nuisance or distraction as you have to look upwards to see it. The Council's consultants advise that the proposed scheme would not cause undue solar glare and mitigation measures are not required.

### Conclusion

8.210. Having regard to the effects of this proposed development on neighbouring amenity in regards to microclimate, noise and air quality along with the effects on privacy, outlook, sense of enclosure, daylight, sunlight, overshadowing and solar glare and light pollution it is considered that the development would result in some adverse impact on the level of daylight and sunlight to surrounding properties. However, on balance, the wider regenerative benefits of the scheme, including the provision of housing, the level of open space, the creation of jobs, and the footbridge contribution, this localised impact is not considered to outweigh the benefits of the scheme.

## **Highways and Transportation**

### Vehicular Access

8.211. The applicant is seeking to retain the existing access to SQP3 and utilise an existing access route from Marsh Wall to provide basement access to SQP1 and 2. Given the relatively low level of predicted trips (see below), this is considered to be satisfactory.

### Vehicular Trip Rates

8.212. The application proposes 141 new parking spaces (46 parking spaces are retained for the SQP3) which equates to a total of 187 car parking spaces, compared to the existing situation where 330 spaces are provided for the users of the entire site. The Transport Assessment predicts that the current office use would have a greater impact at AM and PM peaks on the road network than the proposed uses.

8.213. The Transport Assessment also undertook a "worst case scenario" assessment, considering the effects on the road network without taking account of the existing use. Given the relatively low number of predicted trips relating to the operation of the development (i.e. residents' vehicles and servicing and delivery vehicles) the impact would be imperceptible on the wider road network (other than at the junction of Admiral's Way and Marsh Wall).

- 8.214. When taking into account the increase in vehicles trips, TfL and the Councils Transportation and Highways team have advised that the two junctions leading into the Isle of Dogs are at near capacity. As such, any increase will have an impact. This is also a significant concern shared by the local residents. However, with the policy emphasis on the Isle of Dogs as a 'opportunity area' and the sites allocation within the Millennium Quarter to provide a strategic housing development it is considered there will be an inevitable impact on local transport which will need to be mitigated through developments.
- 8.215. In this case, a contribution of £84,000 has been agreed and would be secured towards improvement works at Preston's Road Roundabout.
- 8.216. Overall, it is considered that the submitted Transport Assessment (TA) is a credible assessment that allows robust conclusions to be drawn. Furthermore, the evidential base of the TA is proportionate to the likely effects of the development.

#### Car Parking

- 8.217. The site has a PTAL of 4 and the proposal is for 888 dwellings, the maximum car parking provision would therefore be 279 spaces based on the local plan standards. The development proposes 141 spaces (14 of these being disabled).
- 8.218. LBTH Transportation and Highways have a preference for less parking on site, however given the proposed parking is below policy requirements and is less than the existing parking on site it is considered acceptable in this instance.

#### Cycling and Pedestrians

- 8.219. A total of 1,448 cycle spaces are to be provided within the development. This includes 1,334 Residential cycle parking is provided within the basement, 22 residential spaces for visitors, 66 spaces for retail uses, 52 for office uses and 14 for the crèche use. The cycle spaces for the residential uses are located at the lower basement, and for staff. This is in accordance with relevant standards.
- 8.220. Due to the cumulative impact of future development in the South Quay area and the expected number of residents, office workers and visitors, there would be additional pressure on TfL's cycle hire scheme ("boris bikes"). Accordingly, TfL are seeking pooled contributions across this area towards the provision of additional capacity. TfL are seeking a contribution of £70,000 for this development in accordance with policy 6.9 of the London Plan. The applicant has agreed to this contribution and this will be secured through the s106 agreement.

#### South Quay Footbridge

- 8.221. This and other South Quay developments (their residents, workers and visitors) would place a further burden onto the heavily used bridge across South Quay. Accordingly, Tower Hamlets in conjunction with other parties such as TfL are seeking pooled contributions towards the introduction of a second footbridge across South Dock to improve north-south connectivity in the area. It is also noted that the development would place a burden on Marsh Wall pedestrian and cycling

infrastructure. The applicant has agreed to a substantial contribution of £480,965.00 towards highways improvements to the existing bridge or towards the second footbridge and/or improvements to pedestrian/cycling facilities on Marsh Wall.

- 8.222. The applicant has also agreed to grant access rights to secure the northern part of the site for the southern bridge landing zone. Whilst further discussions are on-going, the provision of a second bridge is strongly supported by the Council, GLA and also forms part of many of the consultation responses which consider it a method of reducing the impact of the development. The proposed rights and financial contribution will go a significant way to realising this aspiration of the Council.

### Public Transport

#### Buses

- 8.223. TfL have advised that they have identified bus capacity constraints at this location during the AM peak and with regard to the cumulative impact of development within this area. TfL is seeking a contribution of £200,000 towards additional bus capacity in the local area in accordance with London Plan policy 6.2. The applicant has accepted this request and this is recommended to be secured in the s106 agreement if planning permission is granted.

#### DLR

- 8.224. TfL advises that there is sufficient capacity is available on DLR trains to accommodate trips to and from this development. However, as trains are already crowded from South Quay to Heron Quays, the applicant has agreed to a way finding strategy and a legible London contribution of £15,000. This would be secured in the s106 agreement if planning permission is granted.
- 8.225. Should the second footbridge be developed, this will also have an inevitable impact of reducing DLR trips by encouraging walking to the Jubilee and Crossrail Stations.

#### Jubilee and Crossrail

- 8.226. The capacity of Canary Wharf Underground station together with the Crossrail Station when opened is sufficient to accommodate trips from this site.

#### Demolition and Construction Traffic

- 8.227. It is considered that were the application to be approved, the impact on the road network from demolition and construction traffic could be adequately controlled by way of conditions requiring the submission and approval of Demolition and Construction Logistic Plans.

#### Servicing and Deliveries



8.228. The vast majority of servicing for the residential and retail uses is to be carried out within the basement, with access provided via car lifts capable of accommodating servicing vehicles. The exception to this is any refuse servicing which would require a Heavy Goods Vehicle (HGV). The applicant has provided two HGV loading bays within SQP2. The loading bays would require vehicles driving into the site and reversing into the loading bays. Highways have raised a potential pedestrian conflict with this arrangement, however along with officers are satisfied that the proposal arrangement of having a 'Banksman' will ensure the reversing is satisfactory.

8.229. The applicant has provided an estate management plan which outlines the intention of employing a specialist management company to manage the day to day running of the site. The applicant has also agreed to a condition requiring signage to advise pedestrians of the loading area. Overall, this is also considered to be an acceptable approach. Given that vehicles accessing and egressing this location are likely to do so at relatively slow speeds, overall, the develop is not considered to compromise pedestrian safety.

### **Waste**

8.230. A Waste Strategy has been submitted in support of the application. The Strategy sets out the approach for:

- Waste minimisation, re-use and recycling;
- Maximising the use of recycled building materials; and,
- Providing residents and tenants with convenient, clean and efficient waste management systems that promote high levels of recycling.

8.231. In terms of construction waste, a Site Waste Management Plan could be required by condition to ensure, inter alia, that excess materials would not be brought to the site and then wasted and that building materials are re-used or recycled wherever possible.

8.232. In terms of operation waste, the proposed Strategy ensures the residential waste is suitably separated into non-recyclable, recyclable.

8.233. The Council's Waste Officer has commented that given the large number of units, a 'compaction system' is preferred. This system compacts refuse into collection parcels which would take less time to collect. The Council's Waste officer has advised that this approach has not been adopted and is unlikely to be adopted until 2017. As such, officers are unable to insist on this approach.

8.234. The proposed strategy would store refuse in the basement and bring it up for collection within the loading bays. This is considered acceptable.

### **Energy & Sustainability**

8.235. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that

planning supports the delivery of renewable and low carbon energy and associated infrastructure.

- 8.236. The climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.237. The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean)
  - Supply Energy Efficiently (Be Clean)
  - Use Renewable Energy (Be Green)
- 8.238. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 8.239. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a minimum Code for Sustainable Homes Level 4 rating and non-residential to achieve BREEAM Excellent where feasible.
- 8.240. The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy systems in accordance with the following hierarchy: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.
- 8.241. The Councils Energy and Sustainability officer has recommended a condition be applied relating to the CHP energy strategy to ensure that the scheme is compliant with London Plan policy 5.6 and connects to an existing district heating system where available. This is recommended to be secured should consent be granted.
- 8.242. The submitted South Quay Energy Strategy follows the principles of the Mayor's energy hierarchy and looks to reduce energy use at each stage. The design has sought to reduce emissions through energy efficient supply and renewable energy technologies which result in an anticipated 39.5% reduction in CO2 emissions.
- 8.243. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a 'cash in lieu' contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states: '...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a 'cash in lieu' contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.'
- 8.244. The GLA have requested further measures including reducing the glazing to the facades be considered to further improve the efficiency of the building. This is recommended to be secured by condition should consent be granted.

- 8.245. For the proposed scheme, £270,900.00 has been agreed for carbon offset projects. This would be secured within the S106 agreement.
- 8.246. The overall approach to reducing carbon dioxide is supported and in accordance with relevant policies and is recommended to be secured by condition and within a s106 agreement.
- 8.247. The submitted Sustainability Statement includes a Code pre-assessment and BREEAM pre-assessment which demonstrates how the development is currently designed to achieve a Code 4 rating and BREEAM Excellent rating. This is supported and recommended to be secured by way of condition.

## **Environmental Considerations**

### Air quality

- 8.248. Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 8.249. In this case, the development provides a level of car parking in accordance with the Council's parking standards, placing a reliance on more sustainable methods of transport. The use of a decentralised energy centre helps to reduce carbon emissions.
- 8.250. Subject to a condition to ensure that mitigation measures for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) are in place for the residential units and other sensitive receptors; the scheme, once complete, is not objectionable in air quality terms.
- 8.251. It should also be noted that measures to control dust from the site during construction are recommended to be addressed through a construction management plan, which is to be secured by condition should consent be granted.

### Operational noise, vibration and odour

- 8.252. LBTH Environmental Health advise that were the application to be approved, that the development would not result in undue noise to external receptors (i.e. surrounding residential and community uses). They further advise that conditions could appropriately ensure that the noise and vibration levels within the proposed residential units would be acceptable.
- 8.253. In relation to odour, a condition could ensure any food /drink use with a kitchen extract system would be adequate to mitigate any odour nuisance and any internal noise transmission between the gym and residential uses could be controlled by a condition requiring noise/sound insulation. Noise from the A1-A3 uses could also

be controlled by an “hours of use” condition and similarly with deliveries and servicing. Relevant conditions would be included on any permission if granted.

#### Demolition and Construction Noise and Vibration

- 8.254. The Environmental Statement acknowledges the potential for adverse effects from demolition and construction noise and vibration. Noise and vibration levels as a result of the demolition and construction phase can be minimised by the mitigation methods such as siting stationary noise sources away from noise sensitive locations, fitting equipment with silencers, mufflers and acoustic covers, using appropriate piling methods etc., which would be employed to ensure that the noise levels are acceptable.
- 8.255. A series of conditions, including Demolition / Construction Traffic Management Plans and Environmental Plans, will seek to minimise the effects and ensure that all works are carried out in accordance with contemporary best practice if planning permission is granted.

#### Contaminated Land

- 8.256. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 8.257. The Council’s Environmental Health Officer has reviewed the documentation, and advises that subject to conditions to ensure that appropriate mitigation measures are in place there are no objections on the grounds of contaminated land issues. Relevant conditions would be included on any planning permission if granted.

#### **Flood Risk and Water Resources**

- 8.258. The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 8.259. The site is located in Flood Zone 3 and the proposal involves a more vulnerable use (i.e. housing). The site is ‘allocated’ within the Council’s Local Plan for a mixed-use redevelopment including for a substantial element of residential use. As part of that Allocation, a Sequential Test had been undertaken. There have been no material changes in policy or site circumstances to question the continued validity of the conclusions of that test. Accordingly, in accordance with the NPPG a further Sequential Test is not required to support this application.
- 8.260. The application is supported by a Flood Risk Assessment (FRA) and the Environment Agency advise that their most recent study shows that the site is unlikely to flood even in a breach of tidal defences. The FRA demonstrates the development will not increase the risk or severity flooding elsewhere. The Environment Agency advise that the proposed finished floor level (of the ground floor) be set at 300mm above the level of a 1 in a 100 year flood event taking account of climate change. The applicant has confirmed that the ground floor

finished floor level is above 5m AOD which meets the Environment Agency's requirements. Were the application to be approved, this could be conditioned appropriately.

- 8.261. In relation to surface water run-off, Sustainable Drainage system measures could be employed to reduce surface water discharge in accordance with relevant policy and guidance. A condition is recommended to secure this. Thames Water advises that conditions could also appropriately address water demand and wastewater capacity. The submitted Flood Risk Assessment appropriately demonstrates that the development would not increase the risk of tidal, fluvial, groundwater or surface water flooding.
- 8.262. In summary, subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

### **Biodiversity**

- 8.263. The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings.
- 8.264. The application site has no significant existing biodiversity value. It is adjacent to South Dock, which is part of a Site of Borough Importance for Nature Conservation. It's principal importance is for overwintering birds.
- 8.265. The proposal would result in some shading of the Dock, but due to the deep water and lack of aquatic vegetation, this is not likely to have a significant adverse impact on the ecology of the dock. There will not, therefore, be any significant adverse impact on biodiversity.
- 8.266. The proposals include significant areas of soft landscaping, which will ensure an overall benefit for biodiversity. At the request of the Biodiversity officer during pre-application, the proposal also includes 'Black Poplar' trees which are native species within the Biodiversity Action Plan. The landscaping, and biodiversity enhancement measures would be secured by condition.
- 8.267. Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS.
- 8.268. Having regard to the recommended conditions to secure the necessary mitigation and enhancements, the proposal has an acceptable impact on biodiversity and is in accordance with relevant policies.

## **Television and Radio Service**

- 8.269. The impact of the proposed development on the television reception of surrounding residential areas must be considered and incorporate measures to mitigate any negative impacts should it be necessary.
- 8.270. The effects during operational phases once the development is complete are predicted to be:
- Cast a terrestrial television reception shadow over existing properties to the north-east; and,
  - Cast a satellite shadow to the north-west.
- 8.271. However, due to the orientation of satellite dishes and the existing shadows cast on One Canada Square there would be negligible effects on both. There is a minor adverse effect on DLR communications however both are to be mitigated through the section 106.

## **London City Airport Safeguarding Zone**

- 8.272. The application site is located underneath the London City Airport Safeguarding Zone and the proposal includes a tall building. Therefore, an assessment of the proposal on the Zone is necessary. London City Airport have raised no safeguarding objection to the scheme subject to appropriate conditioning relating to heights of buildings, cranes during construction and ensuring the chosen plants and trees are designed so as not to attract birds that can cause airstrikes.

## **Health Considerations**

- 8.273. Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 8.274. Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.275. Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.

8.276. The application proposes child play, communal and private amenity space that is of an acceptable standard and design. The applicant has also met the full Health contribution. As such, the proposal is considered to accord with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

**Impact upon local infrastructure / facilities**

8.277. Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

8.278. The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and,
- (c) Are fairly and reasonably related in scale and kind to the development.

8.279. Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

8.280. Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

8.281. The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

8.282. The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.283. The development is predicted to have a population yield of 1733, 200 of whom will be aged between 0-15 and are predicted to generate a demand for 119 school places. The development is also predicted to generate jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including local schools, health facilities, idea

stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.

8.284. The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:

- Enterprise and Employment Skills and Training;
- Idea Stores;
- Leisure facilities;
- Education;
- Health;
- sustainable transport;
- Public Open Space
- Streetscene and Built Environment;
- Highways
- Bridge
- energy; and,
- a 2% monitoring contribution.

8.285. The applicant has agreed to meet TfL request for contributions towards cycle hire and bus capacity (£70,000 and £200,000 respectively);

8.286. The applicant has also offered 25% affordable housing by habitable room with a tenure split of 70:30 between affordable rented and shared ownership housing at LBTH rent levels. This offer has been independently viability tested and is considered to maximise affordable housing levels in accordance with relevant policy.

8.287. A Development viability review clause to identify and secure any uplift of Affordable Housing if the development has not been implemented within 24 months from the grant of permission (with the definition of 'implementation' to be agreed as part of s.106 negotiations) is also recommended should permission be granted.

8.288. The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme), 20% active and 20% passive electric vehicle charging points a residential travel plan, and mitigation (if necessary) for DLR communications and television.

8.289. The financial contributions offered by the applicant are summarised in the following table:



<b>Heads</b>	<b>s.106 financial contribution</b>
Employment, Skills, Construction Phase Skills and Training	£341,318.00
Community Facilities	£1,059,369.00
Sustainable Transport	£23,642.00
Education	£2,128,677.00
Public Realm	£1,134,782.00
Provision of Health and Wellbeing	£1,074,600.00
Legible London Signage	£15,000.00
Local Highway Improvements	£320,000.00
Pedestrian Bridge	£480,965.00
Carbon Off Setting	£270,900.00
Mayor Cycle Scheme	£70,000.00
Prestons Road Road-a-bout	£84,000.00
<b>Sub-Total</b>	<b>£7,003,253.00</b>
Monitoring	£140,065.00
<b>Total</b>	<b>£7,143,318.00</b>

8.290. These obligations are considered to meet the tests set out in guidance and the CIL regulations.

### **Other Financial Considerations**

#### Localism Act (amendment to S70(2) of the TCPA 1990)

8.291. Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

8.292. Section 70(4) defines “local finance consideration” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.293. In this context “grants” might include New Homes Bonus.

- 8.294. These are material planning considerations when determining planning applications or planning appeals.
- 8.295. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL contribution is estimated to be around £3,325,175 less any social housing relief.
- 8.296. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.297. Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £1,334,595 in the first year and a total payment of £8,007,569 over 6 years.

### **Human Rights Considerations**

- 8.298. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 8.299. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 8.300. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.301. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 8.302. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.303. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.304. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.305. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

### **Equalities Act Considerations**

- 8.306. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
  3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.307. The contributions towards community assets/improvements and infrastructure improvements addresses, in the short and medium term, the potential perceived and real impacts on the local communities, and in the longer term support community wellbeing and social cohesion.

8.308. Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

8.309. The community related contributions mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

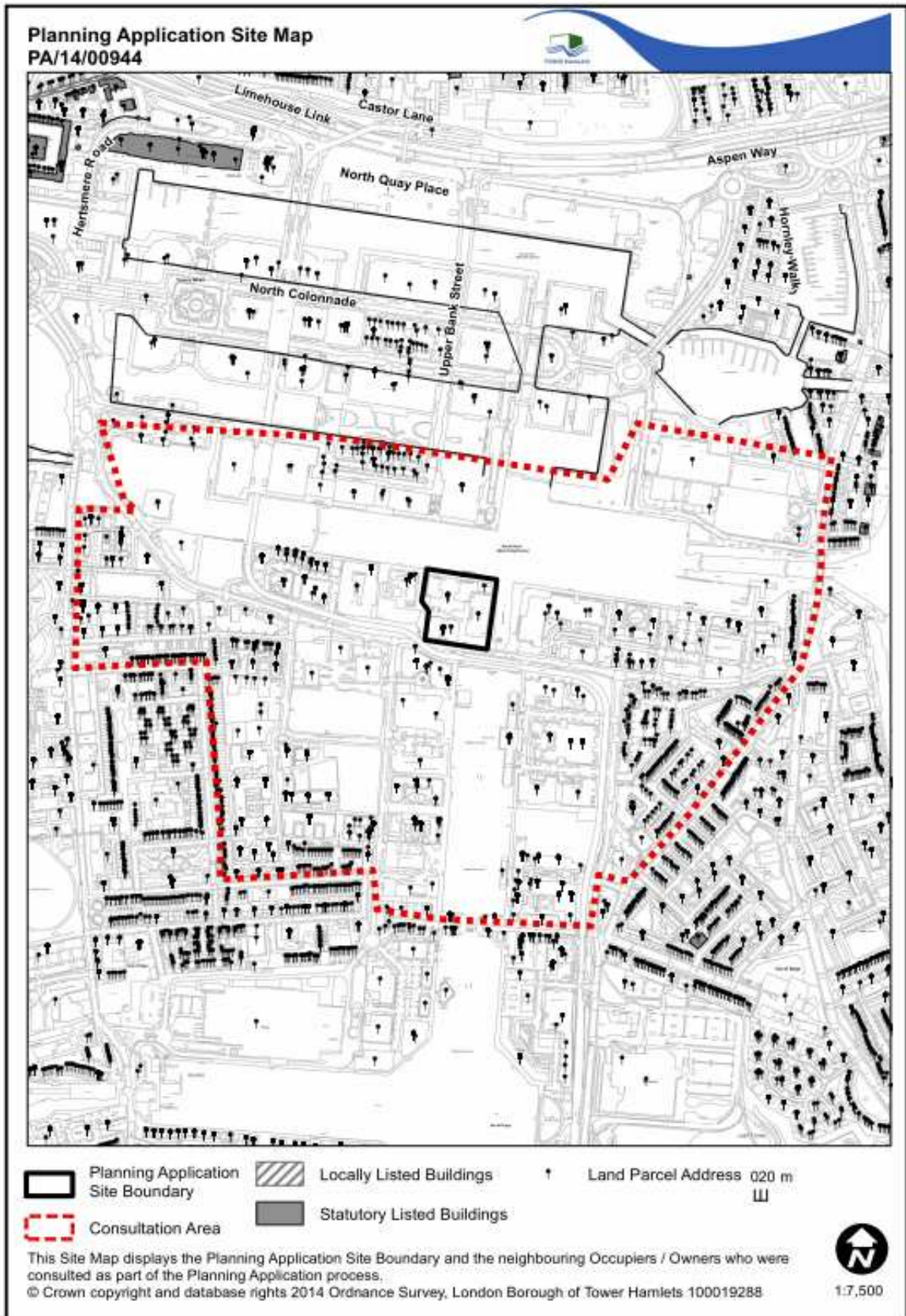
8.310. The contributions to affordable housing support community wellbeing and social cohesion.

8.311. The proposed development allows for an inclusive and accessible development for less-able and able residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking, wheelchair adaptable/accessible homes.

## **9. Conclusion**

9.1. All other relevant policies and considerations have been taken into account. Planning Permission should be granted for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

## Appendix 1: Consultation Boundary



# Agenda Item 6.2

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 6 <sup>th</sup> November 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development & Renewal  <b>Case Officer:</b> Jerry Bell		<b>Title:</b> Planning Application for Decision  <b>Ref No:</b> PA/12/03315  <b>Ward:</b> Canary Wharf	

## 1.0 APPLICATION DETAILS

**Location:** Arrowhead Quay, East of 163 Marsh Wall, E14

**Existing Use:** Vacant/basement excavations and structures.

**Proposal:** Erection of two buildings of 55 and 50 storeys to provide 756 residential units (Use Class C3) (including 90 Affordable Rent and 42 Affordable Shared Ownership) and ancillary uses, plus 614sqm. ground floor retail uses (Use Classes A1-A4), provision of ancillary amenity space, landscaping, public dockside walkway and pedestrian route, basement parking, servicing and a new vehicular access.

**Drawing Numbers:** 1908-GHA-P-001 Rev B, 1908-GHA-P-002, 1908-GHA-P-003, 1908-GHA-P-100 Rev B, 1908-GHA-P-101 Rev A, 1908-GHA-P-102 Rev D, 1908-GHA-P-103 Rev C, 1908-GHA-P-104 Rev C, 1908-GHA-P-105 Rev C, 1908-GHA-P-106 Rev C, 1908-GHA-P-107 Rev C, 1908-GHA-P-108 Rev C, 1908-GHA-P-109 Rev C, 1908-GHA-P-110 Rev C, 1908-GHA-P-111 Rev C, 1908-GHA-P-112 Rev C, 1908-GHA-P-113 Rev C, 1908-GHA-P-114 Rev C, 1908-GHA-P-115 Rev C, 1908-GHA-P-116 Rev C, 1908-GHA-P-117, 1908-GHA-P-200 Rev B, 1908-GHA-P-201 Rev B, 1908-GHA-P-202 Rev B, 1908-GHA-P-203 Rev B, 1908-GHA-P-204 Rev C, 1908-GHA-P-205 Rev C, 1908-GHA-P-206 Rev A, 1908-GHA-P-207, 1908-GHA-P-

208,1908-GHA-P-209 Rev B,1908-GHA-P-210 Rev B,1908-GHA-P-220,1908-GHA-P-300Rev C,1908-GHA-P-301 Rev C,1908-GHA-P-302 Rev D,1908-GHA-P-303 Rev D,1908-GHA-P-304 Rev D,1908-GHA-P-305 Rev D, 1908-GHA-P-306 Rev D,1908-GHA-P-307 Rev D,1908-GHA-P-308 Rev C,1908-GHA-P-310 Rev C,1908-GHA-P-311 Rev C, 1908-GHA-P-312 Rev D,1908-GHA-P-313 Rev D,1908-GHA-P-314 Rev D,1908-GHA-P-315 Rev D,1908-GHA-P-316 Rev D,1908-GHA-P-317 Rev C,1908-GHA-P-400 Rev B,1908-GHA-P-401 Rev B,1908-GHA-P-402 Rev B,1908-GHA-P-403 Rev B,1908-GHA-P-407 Rev A,1908-GHA-P-408 Rev A,1908-GHA-P-409 Rev A,1908-GHA-P-410 Rev A,1908-GHA-P-411 Rev A,1908-GHA-P-412 Rev A.

**Supporting Documents:** Planning Statement  
Design & Access Statement (plus supplementary information Feb and Oct 2014)  
Affordable Housing Statement  
Draft Planning Obligations and CIL Liability Form  
Community Involvement Statement  
Transport Assessment and TA Addendum (Oct 2014)  
Travel Plan  
Waste Management Strategy  
Ventilation/Extraction Statement  
Utilities Statement  
Energy Statement (and supplementary information March 2013)  
Flood Risk Assessment  
Sustainability Statement  
Employment Report  
Viability Appraisals  
Environmental Statement and Non-Technical Summary (plus clarifications August 2013 and Oct 2014)

**Applicant:** Arrowhead Commercial Limited (part of the Ballymore Group)

## 2.0 Executive Summary

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Development Plan and other material considerations (including the NPPF) and has concluded that:
- 2.2 The site is allocated within the Council's Local Plan as Site 17 (Millennium Quarter) for mixed-use development including a 'strategic housing component'. Whilst earlier office consent has been part-implemented (resulting in the excavated basement that can be seen today) a residential-led development is acceptable in principle.
- 2.3 The proposals would satisfactorily integrate Affordable Housing within the lower floors of the West Tower as follows:
- 90 Affordable Rented homes (324 habitable rooms);
  - 42 Intermediate Shared Ownership homes (131 habitable rooms);
  - 25% provision by habitable rooms (71:29 Affordable Rent: Intermediate Shared Ownership); and
  - A mix of 1, 2, 3 and 4-bed dwellings.
- 2.4 The proposals have been the subject of independent appraisal and found to include the maximum reasonable amount of Affordable Housing (on-site provision and a financial contribution for additional off-site provision) whilst enabling the scheme to be financially viable. The proposed proportion of Rented and Shared Ownership accommodation and dwelling mix are in line with the relevant policies.
- 2.5 The proposed layout, size, orientation and amenity of the proposed Affordable and Private homes is considered acceptable and the proposed private and communal amenity space and play space, subject to financial contributions, is acceptable.
- 2.6 The site is within the Tower Hamlets Activity Area and Local Plan Policy DM26 makes it clear that proposals for tall buildings in this area must demonstrate how they respond to the difference in scale of buildings between the Canary Wharf Major Centre to the north and the surrounding residential area. It also sets out a number of other criteria.
- 2.7 The scale and form of the proposed tall buildings would successfully mediate between Canary Wharf and existing/proposed buildings to the south of Marsh Wall. They would be of high quality design, provide a positive contribution to the skyline and not adversely impact on heritage assets or strategic or local views. The proposed East Tower's relationship with the South Dock (overhanging a proposed dock-side public path) is acceptable given the particular circumstances of the application, including the overall site layout where the West Tower would be set back from the Dock and a publicly accessible open space would be provided. The proposed buildings would have a good relationship with Marsh Wall and proposed active frontages at ground level should help ensure a safe



and inviting environment. Given this, the proposals accord with Local Plan Policy DM26.

- 2.8 The density of the proposed scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no undue impact upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The proposed overall high quality of residential accommodation, along with generous private and communal amenity spaces would provide an acceptable living environment for the future occupiers of the site.
- 2.9 Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.10 Flood risk and drainage strategies are appropriate, acceptable design standards (BREEAM and Code for Sustainable Homes) are proposed and a suitable strategy for minimising carbon dioxide emissions has been proposed. High quality landscaping and, subject to detailed design, biodiversity features are also proposed which should help ensure the development is environmentally sustainable.
- 2.11 The Council received financial contributions to mitigate the impacts of the previously consented office scheme (even though the development and associated impacts have not materialised) and has spent these on a range of transport, public realm, social and community projects. However, the proposed development would be for a different use with different associated impacts and housing-specific related impacts would be mitigated by way of additional financial contributions towards leisure facilities, primary and secondary school places and health.

### **3.0 RECOMMENDATION**

- 3.1 That the Strategic Development Committee resolve to GRANT planning permission subject to:

- A. Any **direction** by **The London Mayor**
- B The prior completion of a **legal agreement** to secure the planning obligations:

#### Financial Obligations

- a) A contribution of £706,436 towards **Leisure facilities**
- b) A contribution of £1,366,418 towards **School Places**

- c) A contribution of £894,860 towards **Health facilities**
- d) A contribution of £47,478 towards **off-site play space**
- e) A contribution of £268,639 towards the provision of **Affordable Housing** in lieu of additional on-site provision.
- f) A contribution of £73,066 as a credit towards **Crossrail CIL**
- g) A contribution of between £241,700 and £302,400 towards **Carbon off-setting**(depending whether on-site ground source cooling is provided)
- h) A contribution of between £71,972 and £73,186 towards **S106 monitoring fee (2%)**

**Total:** Between £3,670,569 and £3,732,483.

#### Non-Financial Obligations

- a) Minimum of 25% Affordable Housing which equates to 455 habitable rooms on the Arrowhead Quay site as follows:
  - i. 71% Affordable Rent (324 habitable rooms)
  - ii. 29% Intermediate Shared Ownership (131 habitable rooms)
- b) Development viability review clause to identify and secure any uplift of Affordable Housing if the development has not been implemented within 24 months from the grant of permission (with the definition of 'implementation' to be agreed as part of s.106 negotiations).
- c) Appropriate triggers to manage the delivery of Affordable Housing relative to the delivery of Private housing (to be agreed as part of s.106 negotiations).
- d) On-street Parking Permit-free development (other than 'Blue Badge' holders and those residents that wish to exercise their rights under the Council's parking Permit Transfer Scheme).
- e) Travel Plan.
- f) Details of basement cycle storage provision dependent on demand (2 alternative types and levels of provision allowed for in approved drawings).
- g) 20 Apprenticeships over the full construction phase,
- h) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs).
- i) 24 Hours public access to specified parts of site (Dock edge, western route and publicly accessible open space, eastern route, southern

drop-off area and to ground floor lobby area during daylight hours). Day-time only access to the building lobby area. Public access to the 'sky garden' in the East Tower annually during the 'Open House Weekend'.

- j) Telecommunications - more detailed surveys of DDT services, fixed microwave links/other point-to-point channels and satellite signal receivers in the area surrounding the site and any necessary mitigation.
  - k) Deed of variation to s.106 Agreement in relation to Permission PA/07/00347 to allow £50,000 previously allocated for Public Art to be used for other purposes.
- 3.2 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement and deed of variation indicated above acting within normal delegated authority.
- 3.3 That if, within three months of the date of this committee meeting the legal agreement and/or deed of variation have not been completed, the Corporate Director of Development & Renewal has delegated authority to refuse planning permission.
- 3.4 That the Corporate Director Development & Renewal use delegated power to impose conditions and informatives on the planning permission for Arrowhead Quay to secure the following matters:

'Prior to Commencement' Conditions:

1. Location and detailed layouts of at least 10% of approved dwellings across both Towers, all tenures (Private, Affordable Rent and Intermediate) and dwelling mix - 1, 2, 3 and 4-bed) to be 'easily adaptable' to wheelchair housing standard.
2. Details of all external materials.
3. Details of child play equipment and outdoor gym equipment/fitness elements of the 'trim trail'(including accessible equipment for disabled children and adults).
4. Details of landscape and public realm (including boundary treatment, ground surface materials, planting scheme, furniture and lighting).
5. Details of 'display wall' on the eastern ground floor elevation of the podium.
6. Details of the residential entrance and lobby area on the ground floor of the West Tower.
7. External lighting strategy.
8. Habitat Management Plan (including specification and management, details for proposed green roof and detailed consideration to the provision of bat boxes).
9. Construction - details of existing tree protection.
10. Construction - Construction Environment Management Plan (including membership of Considerate Contractor Scheme, Emergency Incident Plan, noise and dust mitigation measures, and Construction Site Waste Plan).

11. Construction - Piling Risk Assessment.
12. Dock Wall Survey and any necessary remedial works.
13. Dock wall height rising confirmation.
14. Report in to the potential of use of ground source cooling and/or use of water from the adjacent dock for use in cooling the buildings.
15. Noise – details of glazing specification and whole house ventilation proposed for all permitted homes and noise absorbing properties of balconies for east facing flats on Levels 2 to 10 in the East Tower.
16. Transport – Construction Logistics Plan.
17. Transport – location and details of 15 x visitor cycle stands (providing 30 spaces).
18. Transport – details of measures to protect of DLR structures.
19. Detailed drainage strategy (including rainwater harvesting).
20. Thames Water drainage (drainage, waste water and provision of oil interceptors).

#### 'Prior to occupation' Conditions

1. Scheme to meet Secured by Design section 2 Certification.
2. Estate Management Plan (Maintenance of open space, child playspace, and publicly accessible hours and details of 24/7 concierge and monitored CCTV).
3. Transport – Delivery and Servicing Plan (to include refuse collections).
4. Transport – Details of vehicular ramp management system.
5. Transport - Details of Car Park Management Plan (including the provision of 10% 'blue badge' spaces and 20% electric vehicle charging and the prioritisation of spaces for wheelchair users).
6. Noise – details of acoustic screening to be provided to communal amenity space to south-east of the East Tower.
7. Air quality - details of ventilation and plant extract equipment (for permitted A3/A4 uses).
8. Details of external shopfronts.

#### 'Compliance' Conditions –

1. Permission valid for 3 years.
2. Development in accordance with approved plans.
3. Lifetime Homes Standards.
4. Code for Sustainable Homes Level 4 (Score 70-73).
5. BREEAM Very Good (Score 61.64%).
6. Compliance with submitted Energy Statement (as clarified by response to LBTH comments dated March 2013).
7. The on-site CHP Community Heating Network shall be designed to be capable of being connected to the Barkantine Heat and Power network (and would connect) if the system became available to this development.
8. Flood Risk Assessment (compliance with minimum floor finish levels), surface water drainage solutions).
9. Hours of construction to be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 (Saturdays).
10. Hours of use of non-residential (A1-A4) uses to be limited to 08.00 to 23.00 Monday to Sunday.

11. Cranes height and maximum building height restriction (London City Airport)
12. Safety lighting (London City Airport)
13. Implementation of Waste Management Strategy (detailing storage and collection of waste and recycling).
14. Noise – plant noise to be restricted to 10dB (A) below background level.

Informatives:

- Refer to associated s.106 Agreement.
  - Thames Water Advice.
  - London City Airport Advice.
  - Operational substation on site.
  - Canal and River Trust – need for agreements.
  - Advertisement consent required for signage.
  - S278 agreement required for pedestrian crossing on Marsh Wall.
- 3.5 Any other conditions and/or informative(s) considered necessary by the Corporate Director Development & Renewal.

#### **4.0 PROPOSAL, LOCATION AND DESIGNATIONS**

Overall Proposal

- 4.1 The proposal would involve the comprehensive redevelopment of the application site.
- 4.2 The scheme would provide a total of 756 residential units on site (including 90 Affordable Rent and 42 Affordable Shared Ownership units), together with 614sqm of retail/cafe/bar (A1-A4) floorspace.

Arrowhead Quay

- 4.3 The scheme would comprise two residential towers emerging from a two-storey podium set 4m in from the Dock wall to allow for a publicly accessible walkway. This walkway would open up on the western part of the site to a publicly accessible garden space. The towers would run north-south and be off-set (the East Tower next to the Dock overhanging the public walkway at 14m and above) and the West Tower would be close to Marsh Wall.
- 4.4 The podium would provide a large double height lobby space running between Marsh Wall and the Dock. Either side of this space would be two retail units (fronting Marsh Wall) and a cafe (fronting the Dock) and a series of residents' only facilities, including a swimming pool, gym, cinema and residents' lounge. The roof would provide communal amenity space and play space.
- 4.5 A two-storey basement would sit under the podium building, with a one-way vehicular ramp accessed from Admiral's Way. The basement would contain an energy centre, refuse storage areas, loading bays and parking. There would be a total of 102 car parking

spaces, with a mixture of automatic static system (88) and standard bays (14) (including 6 adaptable for wheelchair users). There would also be 20 motorcycle parking bays. Two alternative cycle parking solutions are proposed for between 450 and 808 cycle spaces (explained later in this report).

- 4.6 The towers would emerge from the podium with a double height transitional plant room followed by predominantly residential accommodation above, although plant rooms would also be located on Level 26 and the penultimate level of each tower. The West Tower would rise to 50-storeys above the podium or approx. 172mAOD to the top of the plant screen. The East Tower would rise to 55-storeys above the podium or approx. 188mAOD. Each tower would terminate in light-weight double height penthouse apartments and there would be a 'sky garden' on Level 53 of the East Tower.

#### Site and Surroundings

- 4.7 The 0.54 hectare site is located on Marsh Wall – bounded to the north by the West India Dock South, to the east by private car parking and the Docklands Light Railway viaduct, to the south and south east by Admiral's Way (a private Road) and Marsh Wall and to the west by the Britannia Hotel. The site comprises mainly of a partially completed basement structure (consented as part of a previously permitted office scheme, see Planning History below). The basement is about 7m deep and is made up of a piled wall along the dock edge, piles, reinforced concrete capping beam and a ramp down from Admirals Way.
- 4.8 The Docklands Light Railway (DLR) viaduct to the east is about 10.5m above ground level (to rail level) and the area underneath has been used for car parking/servicing for the 4-storey Quay House to the east of the viaduct (a vacant office building). Further to the east is the 4-storey Cochrane House and other similar office buildings, the 6-storey Ensign House office buildings and the 7-storey Beafont Court office building, all served from Admiral's Way. Beyond this taller is the 16-storey Hilton Hotel and office buildings and 16-23-storey residential buildings. The two residential towers of Pan Peninsula (38 and 48-storeys) lie further to the east.
- 4.9 The area immediately to the south of this stretch of Marsh Wall is predominantly non-residential, with a 3-storey office building, 2-storey Wellness Centre and a large single storey warehouse building on Manilla Street (which lies about 4m below Marsh Wall). Immediately to the south-west lies a part 6/part 7-storey office building at 40 Marsh Wall. The nearest existing housing to the south is at Dowlen Court on Bying Street (approx. 65m away – although this is single-aspect south facing). Other existing homes are at 4 Mastmaker/ Bying Street (approx. 85m) and Tideway House (approx. 110m) and planning permission has been granted for the redevelopment of 40 Marsh Wall to provide a 34-storey hotel and for the redevelopment of 63-69 Manilla Street for a part 4, part 7, part 10-storey office/retail building.

- 4.10 The Britannia International Hotel (part 13/part 14-storey) lies immediately to the west of the site. The Hotel is understood to have a right of way on land adjoining the site, between Marsh Wall and the dock. Beyond this lies the part 6/part 7-storey office building at 30 Marsh Wall. The nearest existing housing to the west is the 6-storey building at 30 Cuba Street which is about 4m below Marsh Wall (approx. 60m away) and the 46-storey Landmark East Tower (approx. 125m away), which forms part of the wider Landmark development of four separate residential buildings. Planning permission has been granted for 38 and 50-storey residential towers on the Cuba Street site (also bounded by Manilla Street and Tobago Street) and for a 62-storey residential tower on the City Pride site.
- 4.11 To the north, on the other side of the Dock, is Heron Quays DLR Station – sandwiched between 9 and 15-storey office buildings and a 35-storey office building to the east of that. Planning permission has been granted for the development of 12, 21 and 33-storey office and retail buildings on the Heron Quays West site.
- 4.12 Marsh Wall is a bus route served by the D3, D7, D8 and 135 bus services. The South Quays DLTR Station is around 450m to the east and the existing pedestrian bridge over South Dock provide access to Heron Quays DLR Station and Canary Wharf Jubilee Line Station (about 500m to the north east). The Canary Wharf Crossrail Station, currently under construction, would be approx. 800m to the north-east. The site has a PTAL of 5 which is described as ‘Very Good’.

#### Designations

- 4.13 The site is within the London Plan’s Isle of Dogs Opportunity Area which recognises it as a strategically significant part of London’s world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.
- 4.14 The site is allocated within the Council’s Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages comprehensive mixed-use redevelopment to provide a strategic housing contribution and a district heating facility where possible. The Allocation states that developments will include commercial floorspace, open space and other compatible uses and advises that development should recognise the latest guidance for Millennium Quarter. The Allocation also sets out Design Principles for the site which is referred to later in this Report.
- 4.15 The site is outside of the Canary Wharf Preferred office Location (POL) and Canary Wharf Major Town Centre, but within the Tower Hamlets Activity Area (THAA), as defined by Core Strategy Policy SP01. The THAA is intended to provide transitional areas that are complementary,

yet different, to the distinct designations of the Canary Wharf town centre

- 4.16 The site is identified as an Area of Regeneration in the London Plan and forms part of the Isle of Dogs Activity Area.
- 4.17 The site is within an Environment Agency designated Flood Zone 3a - land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences.
- 4.18 The site is adjacent to a Grade II Site of Borough Significance for Nature Conservation (Millwall and West India Docks), which includes the South Dock. It is principally of importance for the regular presence of breeding and overwintering birds.
- 4.19 The site, as with the whole Borough, is within Air Quality Management Area.
- 4.20 The site is within the London City Airport Safeguarding Zone.
- 4.21 The site is within the London Plan Views Management Framework (LVMF), of particular relevance are the views from the General Wolfe Statue in Greenwich Park and London Bridge.
- 4.22 South Dock (on the site's northern edge) forms part of the Development Plan's Blue Ribbon Network.
- 4.23 The site is within the Crossrail Safeguarding Area as well as Crossrail SPG Charging Zone.
- 4.24 The site is not within a conservation area and the nearest Listed Buildings are the Former West India Dock Entrance Lock approx. 280m to the north-west) and the Former Entrance Gates to the Dock (approx. 300m to the north-west).

## **5. Environmental Impact Assessment**

### EIA Regulations

- 5.1 The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as an 'urban development project' and is likely to have significant effects on the environment.
- 5.2 Regulation 3 of the EIA Regulations prohibits granting planning permission unless prior to doing so, the relevant planning authority has first taken the 'environmental information' into consideration, and stated in their decision that they have done so.



- 5.3 The 'environmental information' comprises the applicant's Environmental Statement (ES), including any further information and any other information, and any representations received from consultation bodies or duly made by any person about the environmental effects of the development. The findings of the ES are set out in relation to the relevant assessment criteria under the Assessment section of this report

#### EIA Scoping

- 5.4 An EIA Scoping Report was submitted to LBTH in September 2012 to seek a formal EIA Scoping Opinion. A formal EIA Scoping Opinion was issued by LBTH on 12th October 2012 and the EIA was informed by this document.

#### Environmental Information

- 5.5 The ES was submitted by the applicant with the planning application. The ES reports on the findings of an assessment of the likely significant effects on the following environmental receptors (in the order they appear in the ES):

- Chapter 5 – Construction Environmental Management;
- Chapter 6 – Planning & Land Use;
- Chapter 7 – Socio-Economics;
- Chapter 8 – Transport & Access;
- Chapter 9 – Air Quality;
- Chapter 10 – Noise & Vibration;
- Chapter 11 – Daylight, Sunlight & Overshadowing;
- Chapter 12 – Wind;
- Chapter 13 – Water Resources & Flood Risk;
- Chapter 14 – Ecology;
- Chapter 15 – Cumulative Effects; and
- Chapter 16 – Summary of Residual Effects.

- 5.6 To ensure the reliability of the ES, the Council appointed EIA consultants, Land Use Consulting (LUC), to review it and to confirm whether it satisfied the requirements of the EIA Regulations (2011). Where appropriate, reference was made to other relevant documents submitted with the planning application.

- 5.7 LUC's initial review identified a number of required clarifications and the applicant was issued with a copy of LUC's review. In response to this, the applicant provided additional information which addressed the identified clarifications (August 2013). This information was reviewed and considered to provide sufficient clarification on the issues raised.

- 5.8 Following revisions to the proposals to change the amount and type of Affordable Housing on site, the applicant submitted further information

which addressed these changes (October 2014). LUC reviewed this information and raised a small number of issues for clarification. Following responses to these from the applicant, LUC has confirmed that, in their professional opinion, the Arrowhead Quay ES as clarified, is compliant with the requirements of the EIA Regulations.

- 5.9 Representations from a number of consultation bodies including the Environment Agency, English Heritage and Natural England have been received, as well as representations from local residents about the environmental effects of the development.
- 5.10 The ES, other relevant documentation submitted with the planning application, clarification information, consultee responses and representations duly made by any other persons constitute the 'environmental information', which has been taken into account when writing this recommendation and is required to be taken into account when arriving at a decision on this planning application.
- 5.11 The Arrowhead Quay application is for full planning permission. The contents and conclusions of the ES are based on the proposals illustrated in the Application drawings and discussed within Chapter 4: Proposed Development and Description of this ES (along with site baseline surveys; quantitative/qualitative assessment methodologies; and the specialist knowledge of the consulting team).
- 5.12 The ES, which is publicly available on the planning register, identifies the likely significant environmental effects (adverse and beneficial) from the construction phase (including demolition and other associated site preparation activities) and operation of the proposed development, before and after mitigation. The significance of the likely effects has been determined from the sensitivity of the receptor and the magnitude of the change.
- 5.13 Where adverse effects have been identified, appropriate mitigation measures have been proposed. Were the application to be approved, mitigation measures could be secured by way of planning conditions and/or planning obligations as appropriate.

## 6.0 **Relevant Planning History**

### The Arrowhead Quay Site

- 6.1 PA/00/00423 – Granted planning permission 25/07/2003  
Redevelopment to provide a 16/25 storey office building(plus plant), including retail/restaurant use on part of the ground floor (59,250 sqm gross), plus car parking, dockside walkway and landscaped plaza.
- 6.2 PA/06/02107 – Granted planning permission 08/02/2007  
Redevelopment to provide a 16/25 storey office building(plus plant) including retail/restaurant use on part of the ground floor (59,250 sqm gross) plus car parking, dockside walkway and landscaped plaza

without compliance with Condition 2 of Planning Permission PA/00/423 dated July 2003.

- 6.3 PA/07/00347 – Granted planning permission 22/08/2007  
Redevelopment of site to provide a 16 storey and 26storey plus plant (119m AOD to top of plant) office building including retail / restaurant use on part of the ground floor and basement car park (79,244 sqm GEA),dockside walkway and landscaped plaza. Part implemented.
- 6.4 Following approval of details pursuant to a number of planning conditions attached to the above permission, the consent was implemented in 2007 by way of the partial construction of the proposed basement structure. However, the applicant claims that despite extensive marketing for offices, no tenant was found and construction work stopped.
- 6.5 PA/12/02487 – EIA Scoping Opinion for the proposed development (12/10/12).

Arrowhead Quay Environs - Consented/Implemented but not built

- 6.6 “Hertsmere House (Colombus Tower)” PA/08/02709 granted 2<sup>nd</sup> December 2009 for demolition of existing building and erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).
- 6.7 “Riverside South” PA/07/935 granted 22<sup>nd</sup>February 2008 for the erection of Class B1 office buildings (330,963 sq. m) comprising two towers (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses at promenade level up to a maximum of 2,367 sq.m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works. (total floor space 333,330 sq.m).
- 6.8 “City Pride” PA/12/03248 granted 10<sup>th</sup>October 2013 for the erection of residential-led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.
- 6.9 “Newfoundland” PA/13/01455 granted 10<sup>th</sup>June 2014 for erection of a 58 [sic] storey and linked 2 storey building with 3 basement levels to comprise of 568 residential units, 7 ancillary guest units (use class C3), flexible retail use (use class A1-A4), car and cycle parking, pedestrian bridge, alterations to deck, landscaping, alterations to highways and other works incidental to the proposal.

- 6.10 “40 Marsh Wall” PA/10/1049 granted 15<sup>th</sup> November 2010 for the demolition of the existing office building and erection of a 38 storey building (equivalent of 39 storeys on Manilla Street) with a three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); public open space, together with the formation of a coach and taxi drop-off point on Marsh Wall.

#### Arrowhead Quay Environs - Under Consideration

- 6.11 “Quay House” PA/14/00990 for the demolition of the existing building and redevelopment to provide a residential led, mixed use scheme to include a tower of 68 storeys comprising 496 residential units, approx. 315sqm of flexible commercial uses, a residents gym and associated residential amenity space, car and cycle parking and landscaping.
- 6.12 “1-3 South Quay Plaza” PA/14/944 for demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential led mixed use buildings of up to 73 storeys and up to 36 storeys comprising up to 947 residential (Class C3) units in total and retail (Class A1-A4) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.
- 6.13 “2 Millharbour” PA/14/1246 for erection of seven mixed-use buildings A, B1, B2, B3, C, D and E (a link building situated between block B1 and D) - ranging in height from 8 to 50 storeys.
- 6.14 “30 Marsh Wall” PA/13/3161 for demolition and redevelopment to provide a mixed use scheme over two basement levels, lower ground floor, ground floor, and 52 upper floors (rising to a maximum height including enclosed roof level plant of 189 metres from sea level (AOD)) comprising 73 sq m of café/retail floorspace (Use Classes A1-A3), 1781 sq m of office floorspace (Use Class B1), 231 sq m of community use (Use Class D1), 410 residential units (46 studios, 198 x 1 bed, 126 x 2 bed and 40 x 3 bed) with associated landscaping, 907 sq m of ancillary leisure floorspace and communal amenity space at 4th, 24th, 25th, 48th and 49th floors, plant rooms, bin stores, cycle parking and 50 car parking spaces at basement level accessed from Cuba Street.

## **7.0 POLICY FRAMEWORK**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

7.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies; it contains the most relevant policies to the application:

7.3 Core Strategy Development Plan Document 2010 (CS)

Policies: SP02 Urban living for everyone  
SP03 Creating healthy and liveable neighbourhoods  
SP04 Creating a green and blue grid  
SP05 Dealing with waste  
SP06 Delivering successful employment hubs  
SP07 Improving education and skills  
SP08 Making connected places  
SP09 Creating attractive and safe streets and spaces  
SP10 Creating distinct and durable places  
SP11 Working towards a zero-carbon borough  
SP12 Delivering Placemaking  
SP13 Planning Obligations  
Annexe 9: LAP 7 & 8: Millwall

7.4 Managing Development Document (2013) (MDD)

Policies: DM0 Delivering Sustainable Development  
DM3 Delivering Homes  
DM4 Housing Standards and amenity space  
DM8 Community Infrastructure  
DM9 Improving Air Quality  
DM10 Delivering Open space  
DM11 Living Buildings and Biodiversity  
DM12 Water spaces  
DM13 Sustainable Drainage  
DM14 Managing Waste  
DM15 Local Job Creation and Investment  
DM20 Supporting a Sustainable Transport Network  
DM21 Sustainable Transport of Freight  
DM22 Parking  
DM23 Streets and Public Realm  
DM24 Place Sensitive Design  
DM25 Amenity  
DM26 Building Heights  
DM27 Heritage and Historic Environment  
DM28 World Heritage Sites  
DM29 Zero-Carbon & Climate Change  
DM30 Contaminated Land

## Site Allocation 17: Millennium Quarter

### 7.5 Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012  
Draft Affordable Housing Supplementary Planning Document (public consultation period ended on the 2nd July 2013)  
Isle of Dogs Area Action Plan October 2007  
Millennium Quarter Masterplan (2000)

### 7.6 Spatial Development Strategy for Greater London (London Plan 2011) (including Revised Early Minor Alterations 2013)

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London
- 2.5 Sub-regions
- 2.9 Inner London
- 2.10 Central Activity Zone
- 2.11 Central Activity Zone - strategic
- 2.12 Central Activities Zone - local
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for Regeneration
- 2.18 Green infrastructure
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and Enhancement of Social Infrastructure
- 4.1 Developing London's Economy
- 4.2 Offices
- 4.3 Mixed-use developments and offices
- 4.5 London's visitor infrastructure
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction

- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.18 Open space
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

7.7 The 'Draft Further Alterations to the London Plan' (FALP) were published for public consultation period which commenced on 15 January 2014 and ended on 10 April 2014. An Examination in Public took place in September 2014. The Further Alterations aim to shape the London Plan as the London expression of the National Planning Policy Framework. Some of the key impacts on the borough relate to increased housing targets (from 2,885 to 3,930 new homes per year),

creating additional infrastructure needs, a decreased waste apportionment target and an increase in cycle parking standards.

7.8 As the FALP have been subject to public consultation, they are accumulating weight in determining planning applications and are considered to be an emerging material consideration with some weight.

7.9 London Plan Supplementary Planning Guidance/Documents

Housing SPG (2012)  
London View Management Framework SPG (2012)  
Sustainable Design & Construction SPG(2014)  
Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation SPG(2012)  
Planning for Equalities and Diversity (2007)  
London World Heritage Sites – Guidance on Settings (2012)  
Use of Planning Obligations in the funding of Crossrail and CIL ((2013)  
Shaping Neighbourhoods: Character and Context SPG (2014)  
Draft Accessible London SPG (2014)  
Draft Social Infrastructure SPG (2014)

7.10 Government Planning Policy Guidance/Statements

The National Planning Policy Framework (NPPF) (2012)  
Technical Guide to NPPF (2012)  
The National Planning Practice Guidance (NPPG)

**8.0 CONSULTATION RESPONSES**

8.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

8.2 The following were consulted and made comments regarding the application, summarised below:

Internal Consultees

**Environmental Health**

Contaminated Land

8.3 No objections. A Contaminated Land condition is not required, given the information in the Environmental Statement and the discharge of conditions in relation to the part implemented office scheme.



#### Health and Housing.

8.4 Detailed comments on housing standards.

*(OFFICER COMMENT: These are addressed, where relevant, when discussing housing design issues).*

#### Noise and Vibration

8.5 No objections subject to the imposition of relevant conditions, but following detailed comments:

- Development would be exposed to a high degree of noise from the DLR and as such fall into a Significant Observed Adverse Effect Level (SOAEL) as defined in the Noise Policy Statement for England
- PPG24 has been withdrawn and Noise Exposure Categories (NECs) are no longer strictly relevant, although they could be taken into account. NECs should not determine the suitability of the scheme. The most important thing is that the “good” internal noise design standard is met by the developer within all habitable rooms
- Suitable noise insulation measures and mechanical ventilation could be incorporated including incorporation of winter gardens
- Noise reflections could occur at points where buildings are close to the DLR. This may increase incident noise levels at other residential or commercial facades by up to 3dB. This could be avoided with good design or noise absorbing panels at strategic places on the building. Reflective noise rarely causes problems and only occurs where buildings are exposed to high noise levels;
- Full details of acoustic noise insulation and mechanical ventilation (so that windows can be kept closed) need to be approved by LBTH Environmental Health
- Specifications need to ensure that the “good” internal design standard of BS8233 is met at all times
- Mechanical plant, including kitchen extract and air conditioning system should meet requirements of the WHO standard
- Conflicts of use may occur between proposed A3/A4 uses and proposed housing and the adjoining hotel and these areas need to be carefully designed in relation to sensitive facades
- Construction activities should be controlled to normal Council policy working hours and the method of piling agreed (impact piling should be avoided)

*(OFFICER COMMENT: Noise issues are discussed in detail in Section 20 of this report. It is recommended that planning conditions should be attached to a permission to secure necessary mitigation and to control the hours of use of proposed non-residential uses if permission is granted)*

#### Air Quality

- 8.6 No comments received.

## **Transportation & Highways**

### Servicing and Car Parking

- 8.7 See comments from Waste Management below. If the proposed HGV space is dedicated for refuse use, as requested by Waste Management, there would be no HGV bay, and only 2 LGV bays. There should be another HGV space on top of the Refuse-only space, to cater for the commercial units and householder deliveries. The applicant should look again at the design of the basement and provide an LGV, HGV and Refuse lorry space – which might necessitate reducing the number of car parking spaces. This would help encourage use of sustainable modes of travel, although securing adequate servicing is the overriding objective.
- 8.8 Signage should be provided to warn drivers departing the drop-off area to give way to cars exiting and entering the underground car park.

### Cycle Parking and Pedestrian Crossing

- 8.9 Welcome removal of previously located visitor cycle stands in the Marsh Wall footway.
- 8.10 Welcome the idea of a pedestrian crossing across Marsh Wall – though as a bus route the highway ‘table’ will need to be wider to avoid jolts as buses pass over. This should be worked up into a Zebra crossing at s278 stage.

*(OFFICER COMMENT: A number of minor amendments to the application were submitted in February 2014 to address issues raised by LBTH Transportation and Highways and Waste teams. These comprise a revised basement layout including a dedicated and clearly demarcated ‘bin loading area’ immediately adjacent to a larger bin collection area and a ‘goods in’ bay and detailed amendments to a number of car parking bays to improve visibility. The revisions provide for a flexible delivery area comprising a ‘goods in’ area’ of 10x5m that could accommodate an HGV and two larger LGVs and a ‘bin loading area’ suitable for use by an HGV at times when it is not being used for refuse collection purposes. The expected deliveries of 6 vehicles per hour during the morning peak should be capable of being managed in relation to refuse collections via a Delivery and Servicing Plan that could be secured via a planning condition. The proposed level of car parking is policy compliant. Subject to securing appropriate management arrangements referred to under Waste Management, the revised servicing arrangements are considered acceptable and further revisions are not considered necessary.*

*The original proposal to locate 15 x visitor cycle stands in the Marsh Wall footway has been abandoned. It is recommended that the location and details of this level of provision is reserved for subsequent approval by way of a planning condition.*

*Details of a pedestrian crossing could be agreed via a s278 Highways agreement.*

*A Road Safety Audit into the design and operation of the proposed basement ramp access and access onto Admirals Way has been submitted in response to a request by TfL. This does not identify any anticipated conflicts between traffic using the drop-off area and accessing the basement ramp and Give Way signage or road markings are not considered necessary given the expected relatively low level of traffic.*

*It is recommended that a number of planning conditions be attached to a permission to secure compliance with proposed arrangements or plans and strategies to be submitted for the approval of the Council.)*

### **Waste Management**

- 8.11 A Refuse Management Plan should be submitted for approval explaining in particular the operation of the proposed bin loading area in relation to the refuse store and that the bay (currently labelled 'HGV') is reserved/labelled for refuse unloading only. This is to ensure a smooth operation given that residential refuse collections (three to four times a week for 25-30 minutes each) cannot be booked at specific times and separate commercial refuse collection would also be necessary.

*(OFFICER COMMENT: As outlined above under Transportation and Highways, a number of minor amendments to the application were submitted in February 2014 to address issues raised by LBTH Transportation and Highways and Waste teams. The applicant proposes to carefully manage the operation of the basement parking and servicing area, in a similar way to other nearby developments including Pan Peninsula and Baltimore Wharf. Experience from these developments suggests that, subject to securing appropriate management arrangements, the revised servicing arrangements are acceptable in principle. It is recommended that detailed arrangements are agreed via a Delivery and Servicing Plan to be secured by way of a planning condition).*

### **Biodiversity Officer**

- 8.12 The site is currently of negligible biodiversity value, consisting of minimally-vegetated hard surfaces. It is immediately adjacent to South Dock, part of a Borough Grade 2 SINC. There would be a minor impact on the ecology of the dock through shading, but this is not likely to be significant bearing in mind the depth of the water (no aquatic vegetation will be affected).
- 8.13 The proposals include a biodiverse green roof and areas of landscaping which, though formal, would provide some wildlife habitat.

The overall impact of the development on biodiversity would, therefore, be a small gain. Additional features for biodiversity which would increase the overall positive impact, and contribute to the Biodiversity Action Plan, would be nest boxes for swifts and peregrine falcons, and possibly bat boxes, on the buildings. The applicant should be asked to consider adding these.

*(OFFICER COMMENT: The applicant has been asked to consider adding nest boxes and has agreed to give detailed consideration to incorporating bat boxes. It is recommended that this is secured by way of a planning condition as part of requiring a Habitat Management Plan).*

### **Employment & Enterprise Team**

- 8.14 The developer should use reasonable endeavours to ensure that 20% of the construction phase workforce would be local residents of Tower Hamlets and 20% of goods/services procured during the construction phase are through businesses in Tower Hamlets. The developer should also make a Planning Obligation SPD compliant financial contribution of £181,519 to support the training and skills needs of local residents in accessing the job opportunities created through the construction phase and £5,315 in relation to permanent job opportunities. The developer should also provide apprenticeship places in the construction phase (following liaison with the applicant it is agreed that 20 apprenticeships over the full construction phase is appropriate).

*(OFFICER COMMENT: It is recommended that appropriate planning obligations secure all of the above non-monetary measures by way of planning obligations. Financial contributions for training and other uses were received in relation to the part-implemented office scheme on this site and it is not considered reasonable to seek further contributions. This is discussed further in Section 26 of this report).*

### **Energy Efficiency Unit**

- 8.15 Initial concerns raised in relation to the following: CO2 emissions reductions are below MD DPD Policy 29 requirements; a lack of on-site renewable energy technologies called for by Core Strategy Policy SP11 and the targeting of BREEAM 'Very Good' rather than 'Excellent' for non-residential space (whereas Policy DM29 calls for 'Excellent' where feasible). Clarification was also requested in relation to the potential to connect to the Barkantine Heat and Power Network (BHPN). Following clarification from the applicant (March 2013), there are no objections subject to securing various matters by planning condition (including potential for ground source cooling and connection to the BHPN).

*(OFFICER COMMENT: The above could be secured by planning condition if permission was granted. Since the above comments were made, the requirements for carbon reductions set out in Policy DM29 have increased from 35% to 50%. The proposed scheme is able to deliver 35% by way of the proposed on-site CHP. This could be increased to up to 39% savings if ground source cooling is included as part of the proposals. It is recommended that the shortfall could be offset by securing financial contributions towards off-site carbon reductions schemes. This is discussed in Section 19).*

### **Communities, Localities & Culture (CLC)**

- 8.16 CLC note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea Stores, libraries and archive facilities. CLC, therefore seek that Planning Obligation SPD compliant contributions are secured.
- 8.17 *(OFFICER COMMENT: The need for additional financial contributions to mitigate likely adverse impacts, taking account of contributions received in relation to the part-implemented office scheme, is discussed in Section 19 of this report.)*

### External Consultees

#### **BBC Audience Service**

- 8.18 The BBC is in no position to determine the impact on television or radio reception the proposal may have. It asks that before any decision is made, the applicant undertakes a suitable survey by a professional body to identify the potential impact on the reception of television and services and that a planning obligation secures funding for the rectification of any adverse impact.

*(OFFICER COMMENT: TV reception is discussed in Section 23 of this report. It is recommended that a planning obligation secures any necessary mitigation in relation to reduction in signal that results from the proposed development).*

#### **Canal and River Trust (CRT)**

- 8.19 The Canal and River Trust has no objection to the principle of redevelopment of this site, but makes the following comments:
- Height and Position – the buildings are closer to the waterside than previously permitted, requiring window cleaning structure that will clean the balconies to oversail the waterspace. This would need to be consented through a formal agreement with CRT;
  - Activating the Waterspace – CRT encourage the inclusion of access to the waterspace from the dockside and the provision of ducts for services to the quayside. This would facilitate the use of the waterspace for small visiting boats that would provide an

amenity for the proposed residents and local community, integrate the development with the waterspace, animate and dockedge, increase leisure use of the waterways and help meet the chronic shortage of moorings dock space;

- Use of the Dock Water – Dock water can be used for cooling of buildings and is used successfully by several waterside sites, including the adjacent Britannia Hotel
- Waterway Wall – the proposals have the potential to impact on the wall and the applicant has met CRT to discuss this; and
- Landscaping – landscaping should extend to the waterway wall, where appropriate, and conditions and informatives should be attached to any permission requiring details to be submitted to and approved by the Council (in consultation with the CRT).

*(OFFICER COMMENT: It is recommended that planning conditions require the investigation of the possible use of dock water for cooling purposes, a condition survey of the dock wall (along with any necessary remedial works if necessary) and details of landscaping).*

#### **Crossrail Limited**

8.20 No response

#### **Docklands Light Railway**

8.21 No response (but see comments from TfL)

#### **English Heritage Archaeology (Greater London Archaeology Advisory Service: GLASS)**

8.22 Archaeological works on the site were undertaken in connection with the consented 2007 scheme. In view of the limited extent of the proposed future ground works, there is no need for further archaeological intervention.

*(OFFICER COMMENT: Noted. There is no need for further works in relation to this proposal).*

#### **Environment Agency**

8.23 No objection, subject to the imposition of planning conditions covering the following:

- No development to commence until a structural survey of the dock wall has been submitted to and approved by the LPA and that any identified remedial works are undertaken; and
- No development shall commence until it has been demonstrated that the dock wall height can be raised in line with the TE2100 Plan (raising to 6.2m AOD by 2100)

*(OFFICER COMMENT: It is recommended that such conditions are attached to any permission granted).*

## **Greater London Authority (GLA)**

8.24 The Mayor of London considered the application on 6 March 2013. The GLA's Stage 1 Report sets out the following comments:

### *Principle of development*

- Redevelopment for residential-led mixed use purposes is acceptable in principle.
- It is accepted (given its small size) that social infrastructure cannot be provided on-site. However, further discussion is needed over s106 contributions and provisions in the wider area.

### *Urban design*

- Satisfied that the scheme would not have a detrimental impact on protected views or World Heritage Sites.
- Previous concerns over definition and role of public realm around the buildings have been satisfactorily addressed.
- The simple and well-designed architectural treatment would create a pair of elegant and distinctive buildings that would contribute to creating an interesting and varied skyline to this emerging cluster of tall buildings.
- The size and quality of the proposed homes would be high, in line with the London Housing Design Guide (the generous balconies are particularly welcome).

### *Inclusive design*

- The 10% wheelchair adaptable units should be distributed across tenures types and flat sizes to give disabled and older people choice. The units that are identified as 'easily adaptable' need to be revised and the proposed penthouses should be amended to be fully accessible, removing the three steps at upper bedroom level.
- Applicant should confirm that tactile paving is provided on both sides of the crossover outside the ramp entrance.
- Given that there is no raised kerb at the taxi drop-off, the applicant should investigate whether Marsh Wall could be used to allow wheelchair users to easily exist a taxi.
- A further ramp should be included in the proposed raised western amenity space to allow access from marsh Wall and the dockside.
- Confirmation required that the fitness elements within the proposed trim-trail incorporates elements that could be used by disabled people.
- The applicant should investigate whether a ramp could be provided within the proposed ground floor cafe and confirm that wheelchair accessible toilets would be provided.

### *Housing*

- The proposed dwelling mix (heavily skewed towards smaller units with 53.3% being studio, one and two-bed units) is acceptable given the site's location, building typology and constraints. The

proposed three-bed Intermediate units (14% of proposed Intermediate homes) is welcome.

- Off-site affordable housing should not be located in an area where there are a high proportion of social rented units. Further discussion is needed on this matter prior to Stage II.
- Further discussion is needed on the submitted viability assessment to ensure that the maximum reasonable amount of affordable housing has been provided.

#### *Children's play space*

- The proposed 526sqm of play space exceeds the 440sqm of space required following the London Plan SPG methodology.

#### *Density*

- Whilst the applicant's estimated density of 2,700hrph is well above the relevant London Plan density guidelines of 650-1,110hrph, this is considered acceptable given the nature of the site, the character of the surrounding area, the high quality of the residential accommodation and high quality design.

#### *Noise*

- The Noise Assessment identifies a limited number of balconies in the proposed East Tower that would exceed World Health Authority recommendations. The Council should consider whether the proposed mitigation measures and resultant noise levels within the balconies are acceptable and whether further mitigation measures are required.
- Planning conditions should cover demolition and construction noise and vibration, indoor ambient noise levels, building services plant noise emission levels; noise from retail uses and reasonable practical noise mitigation measures for balconies and other external areas.
- The London housing Design Guide calls for no single-aspect units in Noise Exposure Categories (NEC) C or D. Confirmation of NEC categories is required.

#### *Climate change mitigation*

- Proposed reduction in carbon dioxide emissions by 32% is welcome (exceeds London Plan requirement).
- Applicant should commit to ensure that the development is designed to allow future connection to a district heating network and that all proposed homes and non-residential buildings would be connected to a network.
- Absence of on-site renewable technologies is acceptable in this instance.
- Lack of any residual risk management options is not acceptable and contrary to London Plan policy 5.12. Such measures should include
  - Subscription to the Environment Agency Flood Warning Service
  - Drawing up a flood emergency plan for each building



- Providing safe refuge within the buildings as it is unlikely that a suitably dry access route will be available in the event of a flood
- Ensuring that all utility services can be maintained operational during a flood including ensuring that these services can be maintained operational during a flood (e.g. by placing vital services in flood-proof enclosures)
- A sump within the basement to aid removal of floodwater.
- Surface water drainage directly in to the Dock is acceptable. However, rainwater harvesting opportunities should be investigated.
- Clarification required on why hard landscaping areas could not also discharge into the adjacent Dock (with suitable pollution prevention measures).

#### *Transport*

- See TfL comments below.

*(OFFICER COMMENT: The GLA's comments are addressed as an integral part of assessing the acceptability of the proposed development and referred to where appropriate throughout the report).*

#### **London Borough of Southwark**

8.25 No response

#### **London City Airport**

8.26 No response

#### **London Fire and Emergency Planning Authority**

8.27 The Fire Authority's hydrant mapping data base indicates that if the existing hydrants are maintained, water supplies for the fire service should not be problematic.

#### **London Underground Ltd**

8.28 No response (but see TfL comments).

#### **Metropolitan Police Crime Prevention Design Advisor**

8.29 The Design Advisor has made a number of comments in letters of February 2013 and September 2014. In summary, there is no objection in principle, subject to:

- The ground floor bicycle lobby should have a double access control system, with both internal and external doors secured to prevent tailgating etc. This should apply to all doors where there are external and internal accesses, including the Amenity Access doors;

- Rear waterside entrance with large canopy over must have monitored CCTV as well as some form of control on the entrance
- Eastern ground floor entrance to electricity sub-station and switch room looks like a long alley;
- The scheme would benefit from 24 hour concierge; and
- First floor balconies/podiums need to be checked to make sure they do not give access via climbing;
- A gate is needed on ramp to stop misuse; and
- Planning conditions should be used to ensure that details comply with the principles of Secure by Design.

(OFFICER COMMENT: The applicant has engaged constructively with the Design Advisor on these issues, which are discussed in Section 14 of this report. Overall, the proposals should ensure a safe and secure environment).

### **National Air Traffic Services Ltd (NATS)**

- 8.30 The proposal does not conflict with safeguarding criteria. No objections

### **National Grid**

- 8.31 No response

### **Natural England**

- 8.32 Natural England advises that the scheme is unlikely to affect statutorily protected sites or landscapes. Otherwise they provide generic advice in respect of protected species, local sites, biodiversity and landscaping enhancements.

### **Port of London Authority (PLA)**

- 8.33 The Transport Assessment states the potential for transporting construction and waste materials via the River Thames be investigated during the preparation of a Construction Logistics Plan. However, a specific condition should be imposed requiring the applicant to investigate the use of the River for the transport of construction and waste materials to and from the site.
- 8.34 The use of the river for the transport of passengers is not addressed in the Environmental Statement or the Travel Plan and no targets are set for river use or measures set out to encourage the use of the river in travel plans. This is contrary to London Plan Policy 7.25 and key performance indicator 16 which seeks a 50% increase in passengers and freight transported on the blue ribbon network from 2011-2021. These documents should be amended accordingly.

*(OFFICER COMMENT: The nearest pier to the site is Canary Wharf Pier to the east, which would require a significantly longer walk than getting to the nearest DLR or Underground station and that there are*

*currently only four passenger boats per hour during the peak hours. Given this, officers agree with the applicant that the number of people likely to use river services is likely to be negligible and does not, therefore, warrant further assessment or mitigation).*

### **Primary Care Trust**

- 8.35 The PCT has confirmed the HUDU model requires capital planning contribution of £829,264.

*(OFFICER COMMENT: It is recommended that a higher figure of £894,860 is secured by way of a planning obligation – to mitigate the impacts of a larger on-site population than would be likely to result from the original proposals, on which the PCT commented).*

### **Royal Borough of Greenwich**

- 8.36 No observations.

### **Thames Water**

#### Waste

- 8.37 The applicant should incorporate protection (e.g. non-return valve) on the assumption that the sewerage network may surcharge to ground level during storm conditions.

#### Surface Water Drainage

- 8.38 Storm flows into public sewers should be attenuated or regulated through on-site storage. Petrol/oil interceptors should be fitted in all car parking areas. Prior approval required for connection to public sewer.

#### Sewerage infrastructure

- 8.39 No objection

#### Water

- 8.40 An informative regarding water pressure should be added to any permission.

#### Piling

- 8.41 A condition should be attached to any permission requiring a piling method statement to be submitted to and approved by the LPA in consultation with Thames.

*(OFFICER COMMENT: It is recommended that all of the above are secured by planning conditions or included as informatives).*

### **Transport for London**

- 8.42 Comments on a range of topics set out below.

#### Trip Generation and Site Access

- TfL is satisfied with cumulative assessment and raises no issues with respect to trip generation. It does, however, request Stage 1 Safety Audit of the proposed ramp access and junction.

### Parking

- Welcomes proposed low level of car parking – requests confirmation of number of proposed wheelchair accessible homes to ensure sufficient ‘blue badge’ parking.
- Supports the Car Park Management Plan and asks that this is secured by condition.
- Welcomes commitment to investigate the viability of providing a car club and recommends, if successful, all residents are offered free membership for the first year.
- Proposed level of cycle parking is satisfactory – but some concern over the type of proposed parking
- Welcome proposed showers and changing facilities – seeks confirmation that these would be available to staff.

### Public Transport

- Notwithstanding the assessment in the TA, there are bus capacity issues and trips generated by this development and others are likely to generate a need for further capacity on the bus network – request for a financial contribution of £475,000 to mitigate impacts
- Request specific conditions to ensure that the proposed works do not compromise the safe and effective operation of the DLR.
- Developer’s responsibility to ensure that the design provides satisfactory levels of noise and vibration for future residents.
- Request financial contribution of £40,000 to pay for real-time public transport departures and service update information boards – to be located in a prominent communal area.
- Request a financial contribution of £83,419 towards Crossrail is secured by way of a planning obligation as a credit towards the Crossrail CIL requirement.

### Cycling and Walking

- LBTH should secure financial contributions to implement any improvements identified in the Pedestrian Environment Review System (PERS) audit
- Request for a financial contribution of £15,000 to fund Legible London signage.

### Travel Planning

- A Travel Plan (which should be secured by a planning obligation) should require residents and employees’ information packs to provide information on the Mayor of London’s bike scheme and to one year’s membership for each resident.
- Request for a condition requiring the approval of a Delivery and Service Plan (DSP) (in consultation with TfL) before occupation.
- Request for a condition requiring approval (in consultation with TfL) of a Construction Logistics Plan before commencement and

encourages the use of the River Thames during the construction phase.

*(OFFICER COMMENT: A Stage 1 Safety Audit of the proposed ramp access/junction has been submitted. Parking issues are discussed in detail Section 15 of this report and the issues raised by TfL are either satisfactorily addressed, or could be secured by way of planning conditions/obligations.*

*As discussed in detail in Section 26 of this report, the Council received s.106 financial contributions in relation to the previously consented office scheme. Records show that a significant proportion of these contributions were pooled with contributions from other permitted schemes and spent on TfL transport related projects (including the movement and increase in capacity of South Quays DLR Station). Given this, officers consider that it would be unreasonable to require additional financial contributions towards transport related matters, other than Crossrail CIL/planning obligations.*

*It is recommended that a Travel Plan, Delivery and Servicing Plan and Construction Logistics Plan are secured by planning obligations /conditions).*

## **9.0 LOCAL REPRESENTATION**

- 9.1 The applicant undertook pre-application consultation with a range of statutory consultees, local residents and businesses and local groups. This included holding a local public exhibition of emerging proposals in November 2012 and presenting the emerging proposals to Members of the SDC and the Council's Conservation and Design Panel (CADP) in December 2012. The submitted Statement of Community Involvement (December 2012) reports that 34 people attended the local exhibition, with 11 people filling in feedback forms. Comments received included a level of support for the scheme, together with concerns/queries over noise from the DLR and Britannia Hotel, the previous office consent and increased demand for school places and on transport infrastructure.
- 9.2 A total of 3,807 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and with a set of site notices.
- 9.3 The number of representations received from neighbours and local groups in response to notification and publicity of the application was submitted and supplemented with additional environmental information were as follows:

**No of individual responses: 35    Object: 11    Support: 24**  
**No petitions received: 0**

- 9.5 The full responses are on public file. Key issues in letters of support and objection may be summarised as follows:

### **In Objection**

- 9.4 The 11 objections are from residents living in the following areas: Landmark East Tower (24 Marsh Wall) (3); Cascades (2-4 Westferry Road) (2); the Vanguard Building (18 Westferry Road) (2); Pan Peninsula (on Marsh Wall) (2); Hobday Street (1); and Unknown (1).

#### **Landmark East Tower Residents (3)**

- No development should take place on this site
- Adverse impacts during construction
- Very little information about how the applicant intends to address residents' concerns
- Concern that many homes in the area are not occupied, but bought as investments or that they are occupied as short-term lets, doing nothing for community cohesion.
- Off-site affordable housing is unacceptable.
- Proposed shops are likely to remain empty
- Marshwall and surrounding streets cannot cope with proposed level of development (overused and dangerous)
- Change of use from offices to housing would cause loss of privacy
- Proposed towers not suitable for this location – out of character.
- Proposed towers would be viewed as one solid mass.
- Proposed additional building height (over and above what has been approved) would block views and reduce daylight in the morning.
- Glare from windows in the afternoon.
- Loss in property value.
- Noise from the DLR makes the site unsuitable for housing (with plans to lengthen the time that trains run).
- Increase in population and density is unacceptable – insufficient open space and extra pressure on existing footbridge.
- Insufficient health care facilities in the area.
- Insufficient car parking – placing pressure on surrounding streets and resulting in illegal stopping on Marsh Wall.
- Impact of servicing requirements (removal lorries and deliveries).

#### **Cascades Residents (2)**

- Excessive population density – leading to problems of traffic, insufficient parking, transport, green spaces, schools and nurseries.
- Proposed tall buildings are out of proportion with existing residential buildings, the Britannia Hotel and offices to the north of the Dock.
- Proposed towers would have a detrimental impact on visual amenity, loss of light and overall physical dominance.
- The site should continue to be used for offices – the demand for offices will increase as the recession ends

#### **Vanguard Building (2)**

- Tall buildings should be restricted to the Canary Wharf business area.
- Loss of light.
- Insufficient car parking – placing pressure on neighbouring streets and causing extra congestion.
- Insufficient children facilities (nurseries/playgroups), with the Surestart Centre being full.
- Need additional schools, clinics, children recreation areas and other facilities

### **Pan Peninsula (2)**

- Excessive height – loss of views of the River, loss of sunlight and reduced air flow.
- Neighbouring buildings are no more than 20 storeys – the towers would look out of place.
- Buildings would create a noise barrier – preventing DLR noise from dispersing and causing increased noise levels in the area.
- Loss of property value

### **Hobday Street (1)**

- Objects to large buildings being permitted when the area needs houses for local people.

### **Unknown (1)**

- Proposed towers would cut out much light from Quay House, Beaufort Court and Ensign House to the east (all offices) – but these buildings are coming to the end of their life, so perhaps redevelopment of the Thames haven/Waterside plot should be encouraged

*(OFFICER COMMENT: Local comments are addressed where they are considered to be a material consideration throughout the report).*

### **In Support**

- 9.5 In July 2014, 24 standard pro-forma letters of support were received from different addresses in the E14 postcode (including Marsh Wall, Admirals Way, Cuba Street, Westferry Road, Plymton Close, Mastmaker Road, South Quay, Millharbour). These letters stated that the application will:
- Regenerate a prominent brownfield site on the isle of Dogs
  - Help deliver affordable housing on another site in the borough including Carmen Street near Langdon Park Station Install public art in the area
  - Provide new retail, restaurant and cafe space
  - Provide new open spaces in the form of landscaped public squares
  - Improve pedestrian links through the site to the proposed dockside walkway and South Dock pedestrian bridge into Canary Wharf

- There is a shortage of housing in tower Hamlets and the application under consideration will be a better outcome for local residents than the approved office building, as it will create jobs as well as homes

(OFFICER COMMENT: *(N.B. it is no longer proposed to provide affordable housing associated with the Arrowhead Quay proposals on the site at Carmen Street)*)

### **Investin Plc - Quay House**

- 9.6 In addition to the above, Investin Plc (the applicant for the adjoining Quay House site) has written in support of the proposed two tall towers. However, it asks the Council to comprehensively assess the proposal to ensure that it is not in any way prejudicial to the redevelopment of Quay House. In particular, it highlights that any impacts that the proposal may have should not prejudice Investin's potential for optimising its site and seeks the careful assessment of sunlight, daylight and overshadowing, overlooking and cumulative visual impacts. If planning permission is granted, then the Council should recognise that it would impact on proposals for Quay House and acknowledge that it should apply its standards more flexibly when assessing future proposals for Quay House

### **Local Organisations**

- 9.7 No responses have been received from the following local organisations that were consulted on the application:
- Alpha Grove Community Centre
  - Barkantine TA
  - Canary Wharf Group
  - Island Bangladeshi Welfare Organisation
  - Island Community Centre
  - Island Neighbourhood project
  - Isle of Dogs Bangladeshi Association and Cultural centre
  - Isle of Dogs Community Foundation
  - Kingsbridge Tenants and Residents Association
  - Mill Quay Residents Association
  - Parish of the Isle of Dogs
  - St. Edmunds Church
  - St. John's Bengali Welfare Organisation
  - The Space

### **Conservation and Design Panel**

- 9.8 The Conservation and Design Panel (CADAP) considered and commented on emerging proposals for the site in December 2012. CADAP considered the planning application scheme on 8 April 2013 and made the following comments:
1. Building positioning in terms of the relationship between the two towers – CADAP members still felt that the two buildings could



visually coalesce into one volume from the east and west and therefore suggest that the architects consider varying the window frame and cladding colours of the towers (as appeared to have been done in the computer images)

2. Balconies – Members felt privacy concerns had been addressed.
3. Members welcome the applicant's revisions to make the North/South lobby route accessible to members of the public during the day time, in line with its previous comment. Members considered the scale and spatial quality of the lobby area still too corporate and that it could benefit from being considered at a domestic scale. For this members would welcome the use of large scale planting, perhaps in line with planting proposals for the private roof top greenhouse. Members also suggested the use of architectural features to dampen the noise in the central area.
4. Raised plinth – Members welcomed that this was for public use including the provision of accessible play areas.
5. Landscaping – Members felt that the proposed soft-landscaping strategy seemed corporate looking, and not suitable for domestic use. The planting proposal would benefit from being considered as part of a wider site context of marshland, and the wild nature that once characterised the site. Suggestions included a dynamic landscaping approach, rich in flowers and creating a natural-effect soft landscape. A precedent mentioned, the Highline in New York, is an example of this sort of planting working well in an urban densely populated place.
6. Lighting strategy – Members noted that the planners had to revert on detail surrounding the proposed external lighting strategy for the building

*(OFFICER COMMENT: The concern about possible coalescence and landscaping are discussed in Section 14 of this report. It is recommended that planning conditions secure details of landscaping and a lighting strategy for the Council's consideration).*

## **10.0 ASSESSMENT OF APPLICATION**

10.1 The key relevant planning issues are:

- 11: Land-use
  - Principles
- 12: Density / Quantum of Development
- 13: Housing
- 14: Design
- 15: Neighbouring Amenity
- 16: Heritage
- 17: Transport
- 18: Waste
- 19: Energy and Sustainability
- 20: Environmental Considerations
- 21: Flood Risk, Drainage and Water Resources
- 22: Biodiversity

- 23: Telecommunications
- 24: London City Airport Safeguarding
- 25: Health Considerations
- 26: Planning Obligations and CIL
- 27: Other financial considerations
- 28: Human Rights considerations
- 29: Equalities Act considerations
- 30: Conclusion

### **Land Use**

- 11.1 This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.
- 11.2 At a national level, the NPPF promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 11.3 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1).
- 11.4 Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.
- 11.5 The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages mixed-use development in the area to provide a 'strategic housing component' and seeks to ensure development includes commercial space, open space and other compatible uses. The development is within a Tower Hamlets Activity Area where a mix of uses is supported, with active uses on the ground floor.
- 11.6 The site has previously accommodated industrial/warehousing development associated with the docks, a surface car park with 250 spaces and, most recently, by a marketing suite and temporary offices for the construction of the Pan Peninsula residential development on Marsh Wall (which was developed by the applicant).

The site currently accommodates an excavated and retained basement cavity, constructed in 2007 as part of the commencement of extant planning permission PA/07/00347 for a part 16 and part 26-storey office building.

- 11.7 Whilst the site benefits from an extant permission for offices, the applicant claims that despite extensive marketing it has not proven attractive to the market; where there has been reduced demand for new office space since the economic recession hit in 2008. The applicant has submitted an Employment Report (December 2012) to support the application. This states that if the extant permission for offices was delivered it is likely to struggle to attract occupiers given a number of factors, including its relative location to the core Canary Wharf offer; the evolving residential character south of the dock; the stalling of demand within the core area; a high level of immediately available or soon to be completed Grade A space within the Canary Wharf Estate, and; the strength of the market for secondary/supporting activities within other, more cost-effective, well-connected locations. The report also notes that removing the site from the office supply pipeline is unlikely to have any noticeable effect on the ability of Canary Wharf to meet future forecast demand during the London Plan/Core Strategy plan period or make a significant difference to the deliverability of the jobs target for the London Plan Isle of Dogs Opportunity Area (110,000 jobs by 2031).
- 11.8 The construction of a mixed use residential-led development, including retail uses at ground floor. This would not be inconsistent with London Plan Isle of Dogs Opportunity Area policies (which include Central Activity Zone policies pertaining to offices) which seek housing as well as employment growth. Moreover, the London Plan recognises there is significant potential to accommodate new homes and scope to convert surplus business capacity south of Canary Wharf to housing and support a wider mix of uses. The active (retail) uses at ground floor with residential above is also in accordance with the objectives of the policy DM1 (Tower Hamlets Activity Areas) and is in accordance, in respect of the land use, with the Site Allocation.
- 11.9 Having regard to the policies applicable to this site, it is considered that the harm associated with the loss of a potential offices is outweighed by the potential benefits associated with a residential-led re-development. Accordingly, the principle of the proposed land uses is supported.
- 11.10 In accordance with the Planning Obligations SPD, if permission were granted, planning obligations could ensure the use of reasonable endeavours to ensure that 20% of the construction phase workforce would be local residents of Tower Hamlets and 20% of goods and services procured during the construction phase are through businesses in Tower Hamlets. In addition, 30 apprenticeship places could be secured. Financial contributions for training and other uses were received in relation to the part-implemented office scheme on

this site and it is not considered reasonable to seek further contributions. This is discussed further in Section 26 of this report.

## **12.0 Density/Quantum of Development**

- 12.1 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 12.2 The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating
- 12.3 London Plan Policy 3.4 (Optimising housing potential) states that, taking into account local context and character, the design principles in the Plan and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. The site is located within a Central setting (within an Opportunity Area within easy reach of Canary Wharf Major Centre) and has a PTAL of 5 and the proposed scheme has an average of 2.2 habitable rooms per unit. As such, the appropriate indicative density range given in Table 3.2 is 215-405 units/hectare (650 – 1,100 habitable rooms per hectare). Likewise, Policy CSP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location, as well as design and amenity considerations
- 12.4 The site is approximately 0.54ha. The proposed number and mix of units would yield a total of 1,819 habitable rooms. The proposed residential density is 1,400 units per hectare (3,357 habitable rooms per hectare).
- 12.5 Advice on the interpretation of density can be found in the Mayor of London's Housing SPG (November 2012) which includes:
- “...the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant.”
- 12.6 The Housing SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on

housing density requires making a sensitive balance which takes account of a wide range of complex factors. The SPG outlines the different aspects which should be rigorously tested, these include:

- inadequate access to sunlight and daylight for proposed or neighbouring homes;
- sub-standard dwellings (size and layouts);
- insufficient open space (private, communal and/or publicly accessible);
- unacceptable housing mix;
- unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
- unacceptable increase in traffic generation;
- detrimental impacts on local social and physical infrastructure;
- and,
- detrimental impacts on visual amenity, views or character of surrounding area.

12.7 A rigorous assessment of this scheme against planning policy and the Mayor of London's Housing SPG is set out in the following sections of this report. However, in summary:

- the internal daylight and sunlight standard of the proposed homes is considered acceptable (when taking account of other amenity considerations) and the proposal would not have significant adverse impacts on existing or nearby consented/reasonably foreseeable development;
- the proposed homes would be well laid out and exceed minimum floorspace and floor to ceiling height standards;
- the proposed dwelling mix would fairly closely follow the mix required to meet identified housing need;
- the proposed amount of private and communal amenity space meet policy requirements (and subject to some mitigation measures would meet noise and sunlight standards) and there would be a welcome contribution towards publicly accessible open space;
- the relationship between the proposed new homes within the scheme and between the scheme and existing/ consented/ reasonably foreseeable schemes is acceptable;
- proposed car parking complies with policy and expected traffic generation would be acceptable;
- the proposal would not directly affect existing infrastructure and, if permitted, additional financial contributions could be secured to help support the provision of additional school places, health and leisure facilities (in addition to the range of transport, public realm, open space, community, social and public art projects supported by financial contributions secured in relation to the consented office scheme); and
- in the local context, the proposed tall buildings are appropriate, would and given the proposed high quality architecture would not

harm strategic or local views and make a positive contribution to the visual amenity, views and character of the surrounding area.

- 12.8 Given the above, whilst the proposed residential density is significantly higher than the upper end of the relevant indicative density range, the proposed housing would be high quality and would not cause significant harm to interests of acknowledged importance. As such, the proposals could be considered to optimise the development potential of the site and make a significant contribution to meeting the Borough and London's housing targets.

## **13.0 Housing**

### Principles

- 13.1 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" and "Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities."
- 13.2 The application proposes 756 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan is 2,885 units, which would increase to 3,931 units in the 2014 Further Alterations to the London Plan.
- 13.3 The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

### Affordable Housing

#### *Key relevant Policies*

- 13.4 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage. It also seeks a split between Social/Affordable Rent and Intermediate Housing of 60:40.

- 13.5 London Plan Policy 3.12 sets out policy for negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:
- Current and future requirements for affordable housing at local and regional levels;
  - Affordable housing targets;
  - The need to encourage rather than restrain development;
  - The need to promote mixed and balanced communities;
  - The size and type of affordable housing needed in particular locations; and,
  - The specific circumstances of the site.
- 13.6 The supporting text to London Plan Policy 3.12(para. 3.71) encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.
- 13.7 Paragraph 3.74 of the London Plan explains that affordable housing is normally required on-site and sets out the exceptional circumstances in which it may be provided off-site.
- 13.8 Core Strategy Policy SP02 sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability) as set out in part 3a of the Core Strategy.
- 13.9 Managing Development DPD Policy DM3 seeks a split between Social/Affordable Rent and Intermediate Housing of 70:30. It also (amongst other things) seeks to ensure that Affordable Housing is built to the same standard and share the same level of amenities as private housing and sets out a preferred dwelling mix.
- 13.10 Managing Development DPD Policy DM3 requires developments to maximise affordable housing on-site and sets out criteria for where off-site affordable housing may ne be considered acceptable.
- 13.11 Managing Development DPD Policy DM3 makes clear that Affordable Housing should be built to the same standards and should share the same level of amenities as private housing.
- 13.12 The Draft Affordable Housing SPD (public consultation period ended on the 2nd July 2013) provides guidance on the implementation of Affordable Housing policy.
- 13.13 The NPPF emphasise that development should not be constrained by planning obligations, with paragraph 173 stating that: “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”

### *Background*

- 13.14 Officers have explored with the applicant a large number of possible different scenarios for the provision of affordable housing, both at pre-application and determination stage, including potential on and off-site solutions.
- 13.15 The applicant has always proposed that the site would accommodate 42 Intermediate Shared Ownership homes. In February 2014, the applicant proposed that the 'donor site' for additional off-site provision of affordable housing would be land that it owns adjacent to Langdon Park Station, on the corner of Coding Street and Chrisp Street (known as the 'Carmen Street site'). In July 2014, the applicant owned London City Island (LCI) site (formally known as Leamouth Peninsula North) was identified as a second 'donor site', in addition to the Carmen Street site. Later in July 2014, in response to LBTH and GLA officer concerns that the proposal to use Carmen Street would not result in a mixed and balanced community, Carmen Street was removed from the equation and the proposed use of LCI site as a 'donor site' was increased to provide 122 Social Rented dwellings and 19 additional Intermediate Shared Ownership dwellings (in addition to the 42 Intermediate Shared Ownership homes at Arrowhead Quay).
- 13.16 Development DPD Policy DM3 makes clear that off-site Affordable Housing will only be considered positively where it can be demonstrated (amongst other things) that it is not practical to provide Affordable Housing on-site. More recently, having explored the acceptability of this mainly off-site solution, officers concluded that it would be practical to accommodate all the appropriate Affordable Housing associated with the scheme on-site and the applicant has revised the proposals accordingly.

### *Proposed Affordable Housing*

- 13.17 The applicant's current proposal for all of the proposed Affordable Housing to be provided on-site can be summarised as follows:
- 90 Affordable Rented homes (324 habitable rooms);
  - 42 Intermediate Shared Ownership homes (131 habitable rooms);
  - All Affordable accommodation on Levels 03 to 24 in the West Tower;
  - Affordable Rented homes on Levels 03 to 17 accessed via the proposed entrance on the south facade and served by 2 lifts;
  - Intermediate Shared Ownership homes on Levels 18 to 24 accessed via the proposed central lobby and served by 4 lifts;
  - 25% provision by habitable rooms (71:29 Affordable Rent: Intermediate Shared Ownership); and
  - A mix of 1, 2, 3 and 4-bed dwellings.

### *The Amount and type of Affordable housing*



- 13.18 London Plan Policy 3.12 calls for the provision of the maximum reasonable amount of affordable housing. This policy objective is tempered by the requirement to have regard to a number of issues, namely: local and regional needs and targets, the need to encourage rather than restrain development; the need to promote mixed and balanced communities; the size and type of affordable housing needed; and the specific circumstances of the site. The policy also makes clear that negotiations on sites should take account of their individual circumstances, including viability, and other scheme requirements.
- 13.19 Core Strategy Policy SP02 sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more, again, this is subject to viability.
- 13.20 London Plan Policy 3.11 calls for the split between Social/Affordable Rent and Intermediate housing to be 60:40. Development Management DPD Policy DPD3 calls for this split to be 70:30.
- 13.21 The proposed split of 71% Affordable rent and 29% Intermediate Shared Ownership is in accordance with the Council's preferred split.
- 13.22 As summarised above, the proposed amount of on-site Affordable Housing is 25% by (habitable room). The applicant has submitted viability appraisals to demonstrate that this is the maximum reasonable amount. The Council's external consultants have scrutinised the latest appraisal and concluded that, taking account of the proposed additional financial contributions to mitigate likely adverse effects and expected Crossrail CIL payments, the scheme would generate a surplus of £268,639 which could be used to fund further affordable housing. It would not be practicable to use this to fund additional on-site Affordable accommodation. It is therefore recommended that planning obligations secure the proposed on-site provision and a financial contribution of £268,639 to help fund Affordable Housing off-site. To ensure that the Council secures any uplift in provision that may be capable should circumstances change, it is also recommended that a planning obligation ensures that an appropriate viability review mechanism is triggered if consented development has not been implemented within 24 months from the grant of permission.

*Rent levels and Service charges*

- 13.23 Affordable Rented housing is defined as rented housing provided by registered providers of social housing to households who are eligible for Social Rented housing. Affordable Rented housing is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.
- 13.24 Intermediate housing is defined as housing at prices and rents above those of Social Rent, but below market price or rents. These can be Shared Ownership (as proposed here), other low cost homes for sale and intermediate rent.

13.25 The relevant Borough Framework Rents (formally known as POD rents) for this area are as follows:

- 1-bed £224
- 2-bed £253
- 3-bed £276
- 4-bed £292

13.26 The above rent levels are inclusive of service charges. The applicant has confirmed that it is willing to ensure that all of the proposed Affordable Rented homes are offered to Registered Providers at the relevant Borough Framework Rents that are applicable at the time that they are due to be transferred to the Provider.

*Integration of Affordable Housing*

13.27 Development Management DPD Policy DM3 makes clear that Affordable Housing should be built to the same standards and should share the same level of amenities as private housing. Justifying text Paragraph 3.4 goes on to state that all new homes should be designed to the same high standards and those different tenures should be mixed throughout a development, the exception being that it is recognised that separate cores may be required to enable effective management arrangements.

13.28 The proposed Affordable Housing would be integrated in to the lower floors of the proposed West Tower (Levels 03 to 24), with the proposed family-sized homes being on the lowest floors possible. There would be no discernible difference in external appearance between the proposed Affordable and private housing and all residents would share key facilities (including communal amenity space and play space). The Affordable Rented homes would have their own entrance and lobby area on the ground floor of south side of the West Tower and a separate lift core up to basement parking and up Level 17. This is to facilitate the effective management of these spaces by a Registered Provider and to keep service charges/rents affordable. The proposed Intermediate Shared Ownership homes would share the central lobby area with the proposed private homes.

*Dwelling Mix*

13.29 Table 1 below also compares the proposed overall Affordable Housing dwelling mix with the LBTH target percentages for Affordable Rented and Intermediate housing that are set out in Development Management DPD Policy DM3.

**Table 1: Affordable Housing type and dwelling mix**

Unit size	Affordable Rent			Intermediate (Shared Ownership)		
	Units	%	LBTH Target %	Units	%	LBTH Target%
1 bed	27	30	30	11	26	25
2 bed	22	24	25	21	50	50
3 bed	28	31	30	10	21	25
4 bed+	13	14	15	0		
<b>Total</b>	<b>90</b>			<b>42</b>		

13.30 The above demonstrates a very close fit between what is being proposed and the Council's dwelling mix targets and is to be welcomed.

*Mixed and balanced communities*

13.31 London Plan Policy 3.9 calls for the promotion of mixed and balanced communities across London to foster social diversity, redress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbourhoods. It stresses the need for a more balanced mix of tenures in some neighbourhoods where social renting predominates and there are concentrations of deprivation.

13.32 The policies which seek to ensure mixed and balanced communities do so because of the legacy of mono-tenure estates in London contributing to concentrations of deprivation and worklessness. This, coupled with some housing and management practices, has been exacerbated by the tendency for new social housing to be built where it is already concentrated. The need for mixed and balanced communities is generally raised in relation to concentrations of social housing. However, the reverse situation is also a material consideration, i.e. where only or predominantly Private housing is proposed for a site.

13.33 The proposed incorporation of the proposed Affordable Housing on-site should help ensure that an area of the Borough that is undergoing large-scale change continues to be a mixed and balanced community.

Housing Mix

13.34 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).

- 13.35 The proposed Affordable Housing dwelling mix is discussed above. The table below compares the proposed Private housing mix against policy requirements

**Table 2: Proposed Private dwelling mix**

Unit size	Units	%	LBTH Target%
Studio	170	27	0
1 bed	171	27.5	50
2 bed	280	45	30
3 bed	3	0.5	20
4 bed+	0		0
<b>Total</b>	<b>624</b>		

- 13.36 The above demonstrates that the proposed Private dwelling mix is focussed towards studios and 1-and 2 -beds, with just three 3+bed homes are proposed. Consequently, the private housing component of the development would not be policy compliant. However, it is worth noting the advice within the Mayor of London’s Housing SPG in respect of the market housing. The SPG argues that it is inappropriate to crudely apply *“housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements”*. The proposed mix in the market housing sector is, in the view of officers, appropriate to the context and constraints of this site and the proposed high-density development.

Quality of residential accommodation

*Space Standards*

- 13.37 Policy DM4 in the MDD and London Plan Policy 3.5 set out minimum overall space standards for new homes (set out in Table 3 below).
- 13.38 The Mayor of London’s Housing SPG (November 20120) calls for single bedrooms to be at least 8sqm and double or twin bedrooms to be at least 12sqm and the minimum width of double and twin bedrooms to be 2.75m in most of the length of the room (Good Practice Standards 4.5.1 and 4.5.2).
- 13.39 The application proposes a range of different size homes. These are set out in Table 3 below, together with the relevant standard

**Table 3: Dwelling size**

Proposed Private	Standard	Difference
Suite 37sqm flats	37sqm	0
1-bed (2-person) flats – 50 to 56sqm	50sqm	0 to +12%
2-bed (4-person) flats – 72sqm	70sqm	+ 3%
2-bed (4-person) large flats – 96/96.5sqm	70sqm	+ 37%
2-bed (4-person) penthouses (2 floors) – 114sqm	83sqm	+ 37%

3-bed (6-person) flats – 119sqm	95sqm	+ 25%
3-bed (6-person) penthouses (2 floors) – 146sqm	106sqm	+ 38%
<b>Proposed Affordable Rented</b>		
1-bed (2-person) flats – 56sqm	50sqm	+11%
2-bed (4-person) flats – 74.5 to 95sqm	70sqm	+7 to 26%
3-bed (5-person) flats – 98sqm	86sqm	+12%
4-bed (6 person flats – 112sqm	99sqm	+12%
<b>Proposed Affordable Shared Ownership</b>		
1-bed (2-person) flats – 50sqm	50sqm	0
2-bed (4-person) flats – 72 to 78.5sqm	70sqm	+3 to 11%
3-bed (5-person) flats – 94sqm	86sqm	+9%
3-bed (6-person) flats – 119sqm	95sqm	+20%

13.40 Table 3 above demonstrates that all of the proposed flats are generously sized and either meet or significantly exceed the relevant overall floorspace standard. The proposed size of all proposed bedrooms also more than meet the Good Practice Standards in the Housing SPG. In addition, the proposed floor to ceiling height of the proposed flats is 2.7m. This is generous and above the minimum of 2.5m Baseline standard in the Mayor of London's Housing SPG.

*Internal layout*

13.41 The Mayor of London's Housing SPG (November 2012) contains a number of detailed Baseline and Good Practice Standards with regards to internal circulation. The proposal would meet all of the Baseline standards and the majority of the Good Practice Standards. Where possible the proposed 4-bedroom Affordable Rent properties would have separate kitchens, which is welcomed.

*Lifetime Homes Standard and wheelchair accessible housing*

13.42 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

13.43 The Mayor of London's Housing SPG (Baseline Standard 3.2.7) calls for every designated wheelchair accessible home above ground level to be served by at least one wheelchair accessible lift, making clear that it is desirable that every wheelchair accessible dwelling is served by more than one lift.

13.44 The submitted Design and Access Statement (DAS) and supplementary information that has been submitted demonstrate that all homes are being designed to meet the Lifetime Homes Standards. It is recommended that compliance with these standards is secured by planning condition.

13.45 Both proposed towers would be served by at least two wheelchair accessible lifts, making them suitable for wheelchair accessible homes. The applicant commits to ensuring that 10% of the homes at Arrowhead Quay would be 'easily adaptable'. The GLA has

commented that exact locations have yet to be fixed, that some of the units identified as being 'easily adaptable' would still require some structural alteration to meet wheelchair housing standards and that steps in the proposed penthouse flats should be removed. In February 2014, the applicant submitted further information to address these concerns, although the steps referred to have not been able to be removed for structural reasons.

- 13.46 It is recommended that a planning condition require that at least 10% of homes in a range of 1,2,3 and 4-bed units in Private and Affordable (Affordable Rent and Intermediate) dwellings are 'easily adaptable'. Given the residual concerns over detailed flat layouts, it is recommended that such a condition also reserves the layout of the identified 'easily adaptable' homes.

*Number of flats per core*

- 13.47 Good Practice Standard 3.2.1 in the Mayor of London's Housing SPG (November 2012) states that the number of dwellings accessed from a single core should not exceed eight per floor, subject to dwelling size mix.

- 13.48 The slim nature of the proposed towers and proposed dwelling mix means that there would generally be 8 flats per core served by between 2 and four lifts Private levels (although there would be a small number of floors with 10 flats per core). This is a good standard of design that would help to deliver high quality homes.

*Orientation*

- 13.49 Baseline Standard 5.2.1 in the Mayor of London's Housing SPG (November 2012) makes clear that developments should avoid single aspect dwellings that are north facing, exposed to noise levels above which significant adverse effects on health and quality of life occur, or contain three or more bedrooms.

- 13.50 Approximately 50% of the proposed flats would be single-aspect. However, none of these would face north (they are all east or west facing) and the vast majority of them would be 1 and 2-bed. Of the 8 x 3-bed single-aspect properties, 6 would be penthouse homes on the top floors and 2 would be Affordable Shared Ownership flats in the West Tower. The noise environment for the proposed single-aspect homes facing the DLR is discussed below and is found to be satisfactory. Overall, officers consider that the proposed orientation of homes is acceptable.

*Relationship between homes in the proposed scheme*

- 13.51 In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally sufficient to mitigate any significant loss of privacy between habitable facing windows. The Mayor of London's Housing SPG (November 2012) (Baseline Standard 5.1.1) makes clear that proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in

relation to neighbouring property, the street and other public spaces. It refers to separation distances of 18-21m between facing homes (rooms as opposed to balconies) as being a useful yardstick, but warns against adhering rigidly to this. The facing corners of the proposed towers (a total facade length of 6m) would be approximately 14.7m between building facades and 10.8m between balconies. This relationship would exist for flats on Levels 3 to 49 (94 homes in total). The proposed flats elsewhere in the two towers would enjoy an open outlook on to the Dock to the north and much larger separation distances between them and existing/consented homes and other uses to the east, south and west (as discussed below).

- 13.52 All of the rooms in the facing corners of the proposed towers would be dual aspect and the layouts of the proposed rooms in these locations allow for primary views north and south, rather than east and west (facing each other). In addition, the proposed generously sized private balconies would include a solid up-stand of approx. 300mm that would help safeguard the privacy of balconies when viewed from below. The applicant has confirmed that it does not intend to prevent residents from installing blinds/curtains, although in order to maintain a high quality appearance of the building it does intend to manage their design/colour.
- 13.53 Screens between the balconies of adjoining flats would comprise opaque glazing up to a height of 1.8m, with the remaining 0.9m comprising clear glass. This arrangement should safeguard the privacy of occupiers of neighbouring flats, whilst optimising daylight/sunlight.

#### Daylight and Sunlight

- 13.54 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. This policy must read in the context of the Development Plan as a whole, including the Millennium Quarter Allocation.
- 13.55 The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy." The further information submitted in October 2014 confirms that the revised floor plans for flats on Levels 02 to 24 in the West Tower would not lead to a significant adverse change in internal daylight levels from those that were assessed in the ES (although values for individual rooms may vary).

#### *Daylight*

- 13.56 The ES reports on an assessment of daylight in living rooms and bedrooms of flats proposed in the three lowest residential levels (Levels 03, 04 and 05) in both the West and East Towers, which are considered to represent the worst case scenario. Of the 234 habitable rooms assessed, one proposed living room is predicted to fall under the required Average Daylight Factor (ADF) of 1.5% and seven proposed bedrooms would not achieve the required ADF of 1.0%. However, 96% of the rooms tested are predicted to meet the relevant ADF and the small number that do not only fall marginally under the standard.

*Sunlight*

- 13.57 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive good sunlight.

- 13.58 The ES reports on an assessment of 59 proposed rooms that would face due south, again on the lower three proposed residential levels. This found that 24 of the tested rooms (41%) are expected to meet the recommended levels of sunlight. This is considered acceptable in a highly urbanised environment.

*Overshadowing*

- 13.59 In terms of permanent overshadowing, the relevant BRE Guide suggests that for an amenity space to appear adequately sunlit throughout the year, at least 50% of the space should not be prevented from receiving two hours of sun on 21 March (the spring equinox). The ES reports on an assessment that finds that the proposed south-east communal amenity space at Level 03 would meet this guideline. However, less than 1% of the proposed north-west communal amenity space at Level 03 and 16% of the proposed ground level publicly accessible open space would receive two hours of sun on 21 March, significantly below that required by the guidance. The ES identifies this as a 'moderate adverse' effect. This is not ideal and limits the value of these spaces. The ES also reports on an assessment of transient overshadowing, as shadows move across amenity spaces from west to east throughout the day at different times of the year. This demonstrates that the proposed north-west communal amenity space and proposed publicly accessible open space would benefit from increased amounts of sunlight on the 21 June (summer equinox). On balance, officers consider that this is acceptable.

Amenity space and Public Open Space

- 13.60 For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child



amenity space and public open space. The 'Children and Young People's Play and Information Recreation' SPG (February 2012) provide guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied.

*Private Amenity Space*

13.61 Private amenity space requirements are a set figure which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1.5m.

13.62 Each of the proposed flats would have a generously sized private balcony. Balconies on the east and west facades of both buildings would be 1.8m deep, whilst balconies on the north and south facades of both buildings would be 1.4m deep. All of the proposed north and south facing flats are on the corners of the two buildings and would have access to a large area of balcony space that is 1.8m wide. The balconies would provide significantly more private amenity space than required by policy (generally being twice or three times the minimum size called for). This is a welcome element of the proposal which would help ensure the delivery of high quality homes.

*Communal Amenity Space*

13.63 Communal open space is calculated by the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space would be 796sqm.

13.64 The proposed development includes two linked podium level gardens and adjoining enclosed amenity space that would be accessible to all residents. Subject to the incorporation of suitable screening of the proposed south-eastern podium level garden to ensure an acceptable noise environment (discussed below under the Amenity heading), this would provide high-quality communal space. If the proposed play space is excluded from the equation these gardens and spaces would amount to approx. 730sqm. Whilst this would fall below the required standard, the proposed sky garden (approximately 120sqm) would also be accessible to residents living in the East Tower, taking the overall provision to 850sqm, which exceeds the 796sqm of space called for by policy.

*Child play space*

13.65 Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of playspace per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the

development for the convenience of residents and for younger children in particular where there is natural surveillance for parents.

- 13.66 Based on methodology and child-yield multipliers set out in the Mayor of London's Shaping Neighbourhood Play and Informal Recreation SPG (2012), the proposed development would accommodate 165 children of 18 and under. The proposal provides play space for 0-5 year olds in the proposed private podium level gardens and in the publicly accessible Western Garden. Play space for 0-11 year olds would be provided in the proposed Western Garden. The required and proposed amount of play space of different types is set out in Table 4 below

**Table 4: Play Space Provision**

Age	Number of children	Requirement	On-site provision
Under 5s	67	670sqm	670
5-11	56	560sqm	280
12-18	43	430sqm	0
Total	165	1660sqm	950

- 13.67 The applicant has sought to provide a balance of publicly accessible space, communal amenity space and play space. The result is that the proposals would make on-site provision to meet all of the play space requirements for 0-5 year olds and 50% of space required for 5-11 year olds, but that no on-site play space for 12-18 year olds. It is most important that on-site provision is made for very young children and this is done. The shortfalls in on-site provision for 5 to 18 year olds is considered acceptable subject to securing financial contributions towards enhancing play facilities in nearby open spaces. Canada Square Park and Jubilee Park are the two closest open spaces to the site, with Sir John McDougal Park located approximately 800m to the south-west offering sports and child play facilities. The southern part of the Isle of Dogs also includes Mudchute Park, Millwall Park and St. James's Gardens which have areas suitable for teenagers to play informally and play sport. In terms of open space and child play facilities.

- 13.68 The GLA Stage 1 report requests a planning condition to require the submission of details of accessible play equipment. If permission was granted, officers agree that such a condition should be attached.

*Public Open Space*

- 13.69 Policy 7.18 of the London Plan supports the creation of new open space in London to ensure satisfactory levels of local provision to address areas of deficiency. London Plan Policy 7.5 seeks to ensure that London's public spaces are secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces

- 13.70 Policy SP04 in the Core Strategy seeks to establish a network of open spaces by (amongst other things) maximising opportunities for new publicly accessible open space, of a range of sizes and promoting publicly accessible open spaces as multi-functional spaces that cater for a range of activities, lifestyles, ages and needs. Policy DM10 in the MDD makes clear that development will be required to provide or contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy
- 13.71 Public open space is determined by the number of residents anticipated from the development. The planning obligations SPD sets out that 12sqm of public open space should be provided per person (in this case resulting in a requirement of approximately 1.6ha or over three times the size of the site). Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces can be appropriate.
- 13.72 The proposal includes the provision of a publicly accessible Western Garden between the West Tower and the International Britannia Hotel (including play spaces for 0-5 and 5-11 year olds), together with a publicly accessible Dockside Walk and areas of public realm to the south and east of the proposed buildings. The applicant claims that this all amounts to publicly accessible open space and totals about 2,696sqm. Officers consider that this includes "incidental space" and "public realm" as defined in the Core Strategy and that the substantive area of publicly accessible open space is the proposed Western Garden, including play space, is approximately 1,320sqm.
- 13.73 The Western Garden would provide a significant and welcome contribution and increase the amount of publicly accessible open in the area. Nevertheless, the proposed level of publicly accessible open space would fall below LBTH's standard of 12 sqm per occupant (in order to achieve 1.2 ha per 1,000 residents as set out in the LBTH 2006 Open Space Strategy). As discussed in Section 26, the Council has received financial contributions in relation to the consented office scheme that have been pooled with contributions secured from other developments in the area and spent on a range of matters, including Public Realm and Open Space, Community projects in the local area.

## **14.0 Design**

### Policies

- 14.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

- 14.2 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 14.3 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.
- 14.4 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 14.5 Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations. In this case the site is within an Activity Area, which is the next one 'down' in the hierarchy.
- 14.6 Specific guidance is given in the London Plan and DM26 in relation to tall buildings. The criteria set out in DM26 can be summarised as follows:
- Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
  - Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the Canary Wharf Major Centre and surrounding residential areas;
  - Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies and other townscape elements;
  - Provide a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters

- Not adversely impact on heritage assets or strategic and local views including their settings and backdrops;
- Present a human scale of development at street level;
- Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of openspace;
- Not adversely impact on microclimate of the surrounding area, including the proposal site and public spaces;
- Not adversely impact on the setting and of water bodies and views to and from them.

14.7 The Local Plan Site Allocation for Millennium Quarter seeks comprehensive mixed-use development to provide a strategic housing development and sets out a number of design principles which are drawn from the Millennium Quarter Masterplan (2000). The design principles include:

- “Respect and be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its dockside location; specifically it should step down from Canary Wharf to the smaller scale residential areas south of Millwall Dock;
- Protect and enhance the setting of...other surrounding heritage assets including the historic dockside promenade;
- Development should be stepped back from the surrounding waterspaces to avoid excessive overshadowing and enable activation of the riverside;
- Create a legible, permeable and well-defined movement network...”

14.8 According to the London Plan, the Blue Ribbon Network is spatial policy covering London’s waterways and water spaces and land alongside them. Blue Ribbon Network policies within the London Plan and Local Plan policy DM12 requires Council’s, inter alia, to ensure:

- that development will provide suitable setbacks, where appropriate from water space edges;
- development adjacent to the Network improves the quality of the water space and provide increased opportunities for access, public use and interaction with the water space.

## Context

- 14.9 The site is situated with the northern area of the Isle of Dogs which has seen significant change over the last twenty years. At its heart is the Canary Wharf Estate, with One Canada Square its focal point at 50 storeys (245m AOD).
- 14.10 Canary Wharf comprises offices and retail malls and is a thriving financial and business district as well as a major town centre. The area has become a place which is recognised globally as a focus for banking and business services and as playing a major role in enhancing London's position in the global economy.
- 14.11 To the east of the Canary Wharf Estate is a vacant site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved in July 2014 to approve an outline scheme for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m (AOD).
- 14.12 On the western side of, Canary Wharf Estate at the western ends of North and South Dock and with the River Thames behind (i.e. further to the west), there are a number of approvals for substantial residential and office towers (these being Newfoundland (226m AOD), Riverside South (241m AOD), Hertsmere House (Colombus Tower) (242m AOD) and City Pride (239 AOD)).
- 14.13 To the south of Canary Wharf is South Dock, a water body that is about 80m wide. On the southern side of South Dock is a main east-west road, Marsh Wall. Along Marsh Wall there are number of recent developments and approvals including Landmark Towers, 145m high, Pan Peninsula 147m high and an approval for a hotel at 40 Marsh Wall for a 38/39 storey hotel.
- 14.14 There are also a number of current applications for substantial residential towers within this South Quay / Marsh Wall area including at Quay House, South Quay Plaza and 2 Millharbour. However, since Committee has yet to determine these applications, significant weight cannot currently be given to these proposals.
- 14.15 To the south of Marsh Wall, heights drop off relatively rapidly, with areas behind Marsh Wall as little as 4-storeys in height and generally in residential use.
- 14.16 It is possible to draw some conclusions about the townscape in this area. Canary Wharf is a cluster of large floorplate towers and other office buildings, forming the heart of this tall building cluster. To the west are a number of approvals for tall towers which would act as markers at the end of the dock with the River Thames behind which would provide the setting for these towers to 'breathe'. Along Marsh Wall, there is a transition in heights from City Pride marking the end of the South Dock, with more modest towers at Landmark, the

approved hotel at 40 Marsh Wall and the two residential towers at Pan Peninsula.

- 14.17 It is within this existing and emerging context, that this proposal must be considered.

### Overall Design Strategy

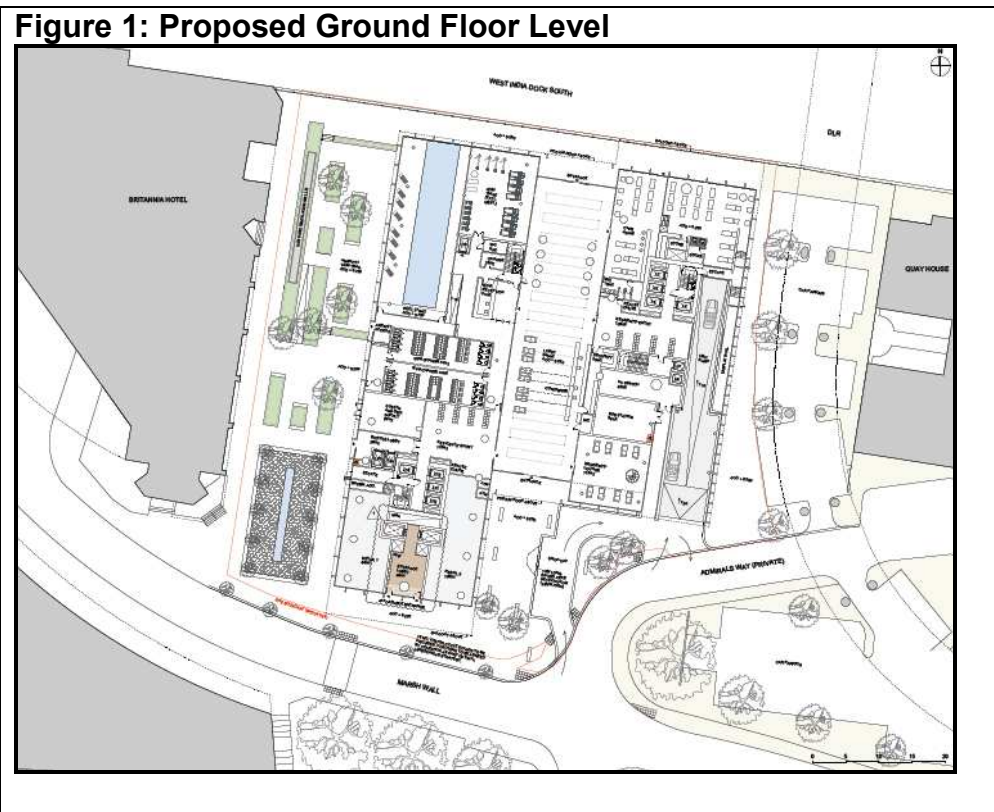
#### *Constraints and Opportunities*

- 14.18 The site presents a number of constraints, including visual intrusion and noise from the DLR viaduct immediately to the east, access requirements for existing electricity transformers, a public right of way/fire access for the Britannia Hotel along the western boundary (with the Hotel also posing particular privacy issues) and lack of options for gaining vehicular access down to basement level (effectively limited to a ramp along the eastern part of the site, similar to the ramp that has been built as part of the part-implemented office scheme). Opportunities include a dockside frontage (subject to Canal River Trust and Environment Agency access/maintenance/flooding requirements), dramatic views and a frontage to Marsh Wall.
- 14.19 The proposals have been the subject of considerable pre-application discussion with LBTH and GLA officers and the Council's Conservation and Design Advisory Committee (CADAP). A number of massing options were explored to obtain the applicant's required residential mix, while retaining a set back from the DLR, adjacent hotel and dock edge. These included a variety of single and twin towers of different proportions and siting.

#### *Site Planning and Massing*

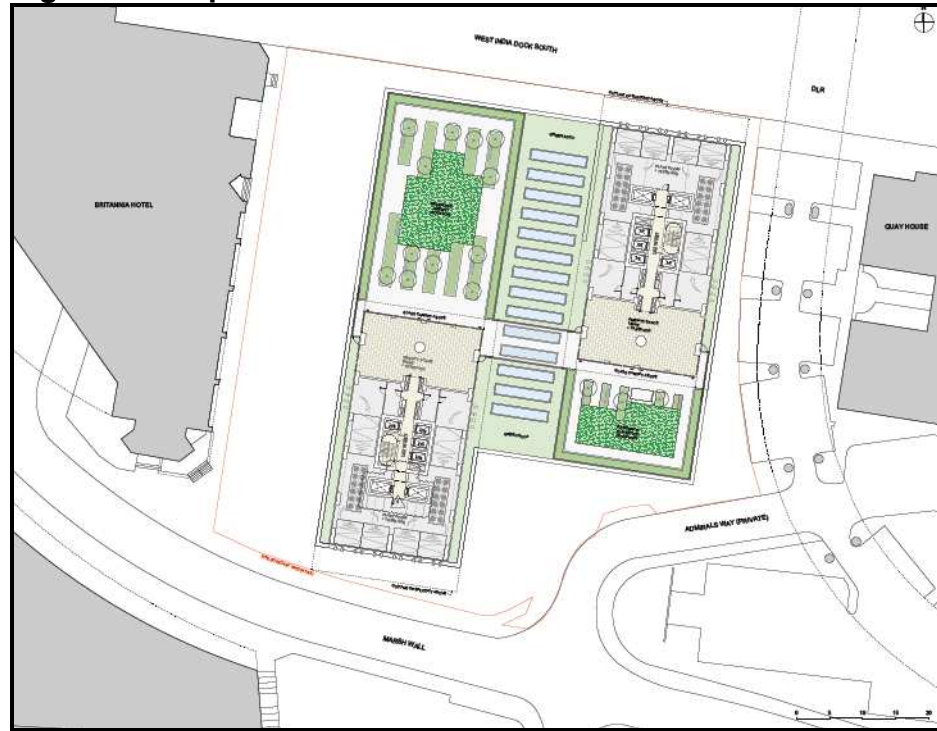
- 14.20 The design solution that is the subject of the application comprises two north-south relatively 'slim' towers, with the West Tower rising to 50-storeys and the East Tower rising to 55-storeys. The West Tower would be set close to Marsh Wall while the East Tower would be close to the dock. The proposed towers have been pulled away from the western boundary in order to open up space between the West Tower and the Britannia Hotel and allow more light to penetrate between the proposed towers to the south and west of the site and the dock edge. This also means that the resultant publicly accessible space to the west is away from the noisy DLR.
- 14.21 At ground floor the towers would land either side of a double height atrium lobby space running between Marsh Wall and the dock, with entrances at either end. The proposed double-height space would extend out from the towers to provide a podium base to the building, containing a shop/cafe unit at the south-west and north-east corners and the various proposed resident facilities (including a swimming pool, gym, cinema and lounge area). The podium would provide active frontages along most of its sides and accommodate residential communal amenity and play space on its roof.

- 14.22 The podium would include a second entrance at the base of the proposed West Tower to provide access to the proposed Affordable housing. This entrance would be in a prominent location fronting Marsh Wall, sitting in between two shops, and would be close to the proposed Southern Arrival Courtyard. The entrance would lead into a generously sized lobby area (4m in height) giving access to two lifts serving flats up to Level 17 and facilities in the basement.





**Figure 2: Proposed Podium Level**

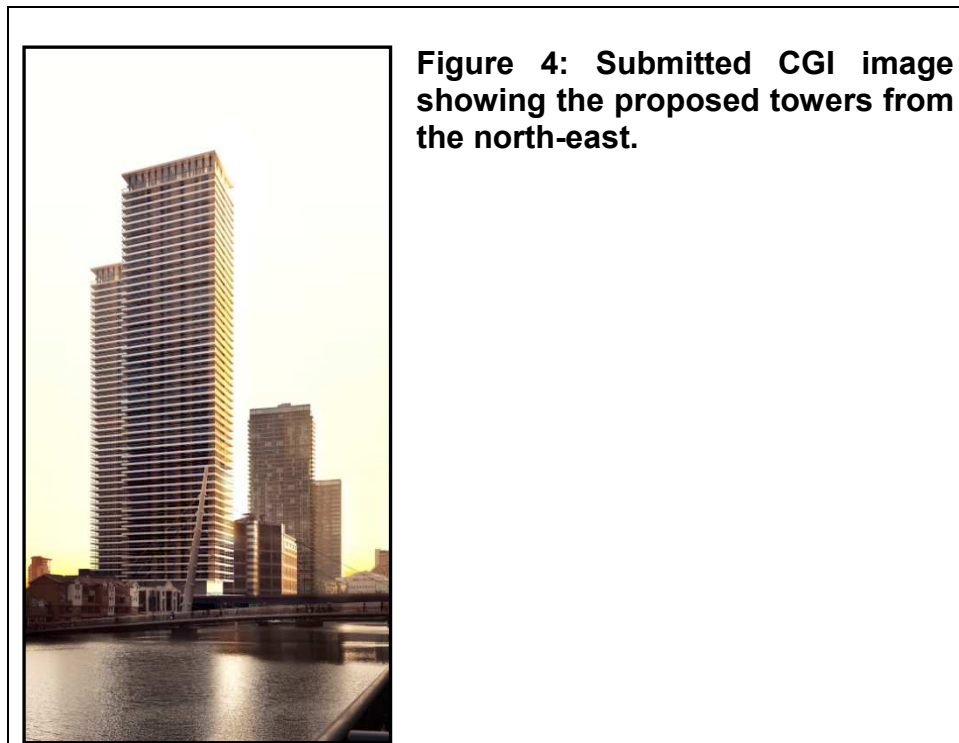


**Figure 3: Proposed upper Floor Levels**



*Building composition*

- 14.23 The composition of the building is arranged in three elements: the base, the middle and the top. In order to differentiate the elements, the base of the building would have a more vertical emphasis and be separated from the middle residential floors by a plant level. The majority of the building would comprise 'the middle' of apartments with bold wrap-around balconies around all facades. The top of both towers would be accentuated by double-height penthouse apartments and, in the East Tower, a 'sky garden'.



**Figure 4: Submitted CGI image showing the proposed towers from the north-east.**

*Relationship with dock*

- 14.24 The consented office scheme allows for a 40m plus long building to be sited 4m from the dock edge, allowing for a public path between the podium and the dock wall, with overhanging upper floors extending 2m out over the public path from 9m (about 3 residential storeys) above ground level.
- 14.25 The current proposal also provides for the East Tower to be set back 4m at from the edge of the dock, allowing for a public path between the podium and the dock wall. However, from 14m (about 5 residential storeys) above ground level, the northern part of the apartment building and balconies would extend out above a public path up to the line of the dock. The East Tower would be just over 22m wide at this point and represent under a third of the length of the site's dockside frontage. The middle third of the site would comprise a 4m public path with a double-height podium building fronting its southern edge and the western third of the site would open out to the proposed Western Garden (see below).

14.26 The proposed arrangement would allow adequate space for maintenance and repair of the dock wall and an acceptable public path and neither the Canal and River Trust nor the Environment Agency object to it. The circumstances are different than at the adjacent Quay House site, where a similar relationship with the dock is proposed and which officers find unacceptable. Firstly the previously consented scheme for Arrowhead Quay allows for a more extensive overhang of the public path than currently proposed and whilst this would overhang would be set 2m back from the dock edge, it would start at a lower height (about 9m). Secondly, the currently proposed arrangement would exist for about a third of the site frontage, with the wider application proposals providing certainty that the remaining two thirds of the proposed dock-side public path would not be overhung, but be framed by a two-storey building containing active frontages and a publicly accessible open space. In this context, officers consider the current Arrowhead Quay proposal to be acceptable. Any window cleaning structures for cleaning the balconies that would oversail the waterspace would need to be consented through a formal agreement with the Canal and River Trust.

*Relationship with the eastern boundary*

14.27 The positioning of the proposed basement access ramp on the eastern edge of the building close the eastern boundary of the site raises particular challenges about ensuring that the area close to and under the DLR viaduct (with the area underneath the viaduct forming part of the Quay house site) is animated, safe and attractive. Council and GLA officers spent some time investigating options with the design team – including the possibility of re-locating the proposed access ramp (which proved not to be possible because of highway safety reasons). Following changes, the proposed building provides for an active cafe frontage for about a quarter of its length, a ‘display wall’ for permanent/temporary art exhibitions for a quarter of its length and a glass wall across the vehicular ramp for most of the remainder of its length. A proposed residents ‘business suite’ would also overlook this frontage from first floor level. Officers consider the proposed arrangement to be acceptable. Details of the proposed ‘display wall’ could be reserved by planning condition if permission was granted.

Open spaces and Landscape

*Western Garden*

14.28 This linear space would provide the physical and visual connection between the dock water and street activity of Marsh Wall. The southern end of the Garden would reflect Marsh Wall’s street context and would comprise York stone paving and a central water table flanked by multi- stem trees set within self-binding gravel. Along the north edge, a raised plinth with linear bands of planting in 500 mm raised planters would define smaller, more intimate, pocket spaces that would allow opportunities for play. This area would conclude at

the dock edge, which would be defined by blue Irish limestone paving stone and balustrade detailing.

- 14.29 The raised plinth area would also contain discrete outdoor activity equipment (trim trail) to create an active use in the garden and a connection with the internal gym to the east. All planters would be stone clad and seating would comprise timber inserts to provide a comfortable, tactile surface.

*Southern Arrival Courtyard*

- 14.30 This space would provide for a taxi layby/drop-off facility. Landscaping elements would comprise York stone paving, existing and proposed street trees, as well as benches. A clear route would be maintained for pedestrians, aided by tactile blister paving at crossing points. Shared surfaces within the taxi layby and basement entrance would comprise granite/stone setts to provide visual and textural keys to pedestrians. Improvements to the existing Marsh Wall hard landscaping would also be undertaken to ensure a seamless integration of the public realm. Paving materials would continue through into the entrance lobby, with a level threshold.

*Public access*

- 14.31 The proposed dock-side path, Western Garden and Southern Arrival Court would be publicly accessible spaces providing attractive public realm and open space. In response to comments from CADAP, the applicant has also confirmed that the proposed central lobby space would be accessible during the day. It is recommended that this is secured by a planning obligation.

*Landscaping*

- 14.32 If permission were to be granted, detailed hard and soft landscaping could be reserved by condition. The ES (14.96) recommends that existing trees immediately adjacent to the site's southern and eastern boundaries would be afforded protection during construction works. It is recommended that this is secured by way of a planning condition.

Assessment of Height

- 14.33 The Tower Hamlets Local Plan sets out a location-based approach to tall buildings in the borough focussed around the town centre hierarchy. The Core Strategy sets out Aldgate and Canary Wharf as two locations for tall building clusters within the borough; whilst Policy DM26 sets out a hierarchy for tall buildings in the borough ranging from the two tall building clusters at Canary Wharf and Aldgate followed by the Tower Hamlets Activity area (in which the Arrowhead Quay site is located), district centres, neighbourhood centres and main streets, and areas outside town centres.
- 14.34 Furthermore, policy DM26 sets out criteria for assessing tall buildings. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial

strategy that focuses on the hierarchy of tall buildings around town centres.

- 14.35 For the Tower Hamlets Activity Area, the policy sets out the need for the prospective developer to demonstrate how the buildings respond to the change in scale between the tall buildings in Canary Wharf cluster and the surrounding lower rise residential buildings.
- 14.36 The consented office scheme allows for one building of 16-storeys and one building of 26-storeys (119m AOD).
- 14.37 The proposed scheme comprises one residential tower of 50-storeys (171.5m AOD to top of parapet) and one residential tower of 55-storeys (187.5m AOD to top of parapet). The taller of the two proposed buildings would be 57.5m lower than 1, Canada Square which is the tallest building within the Canary Wharf Cluster. Officers consider that the proposed building heights are acceptable in principle, given Policy DM26's designation and the existing and emerging context.
- 14.38 The applicant has agreed that public access could be provided to the proposed sky garden on the 53<sup>rd</sup> floor of the East Tower for a limited period only during the annual 'Open House' weekend, so that local people and others have the opportunity to experience views from the development. It is recommended that this is secured by way of a planning obligation (in accordance with London Plan Policy 7.7).

#### Assessment of Setting and Strategic Views

- 14.39 Two strategic views in the Mayor of London's Draft Revised London View Management Framework (LVMF) are relevant. View 5A.1 – Greenwich Park General Wolfe Statue (overlooking Maritime Greenwich World Heritage Site) and View 11.B.1 London Bridge. The Townscape and Visual Assessment which forms part of the submitted ES includes verified views of the proposed development from these strategic assessment points.
- 14.40 In terms of the view from Greenwich Park (LVMF 5A.1), the Assessment states that the proposed development would provide a counter balance to the left of the existing cluster of tall buildings. It goes on to state that the towers would complement the built form already visible in the background and would add interest to the skyline. The Assessment continues that the background to the view would be significantly altered by consented schemes, with Wood Wharf being particularly prominent, and would extend the cluster of tall buildings. It concludes that the proposal would not alter or harm the amenity of the view and would have a 'minor beneficial' effect. The GLA Stage 1 report is silent on the issue and no comments have been received from English Heritage. Officers agree with the findings of the Assessment and consider that there would be no significant

impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site.

- 14.41 In terms of the view from London Bridge (LVMF 11.B.1), the Assessment demonstrates that the proposed development would be just discernible behind the Tower Hotel as a distant background feature. It goes on to note that consented schemes on the Isle of Dogs would increase in the background of this view and consolidate the cluster of tall buildings already existing and visible. It concludes that in both cases the change to the view would be neither beneficial nor adverse and the residual effects would be 'minor neutral'. Officers agree with this assessment.

#### Assessment of Setting and Local Views

- 14.42 In addition to the two strategic views, the Townscape and Visual Assessment includes verified views from 14 local locations, agreed with Council and GLA officers at the pre-application stage. In summary, the Assessment concludes that, on the basis of a high quality design intervention, the proposal would result in minor to moderate beneficial effects on the amenity of existing residents, recreational users and pedestrians when viewed at close range. Officers generally agree with this assessment and consider that, overall, the proposal would have a positive effect on the local townscape.
- 14.43 At its meeting in April 2013, CADAP raised a concern that the proposed two buildings could coalesce into one volume when seen from the east and west and suggested that this could be avoided by varying the window frame and cladding colour of the towers. The applicant has responded by stating that the visual strength of the towers lies in part to the uniformity of the pair. However, it makes the point that the parallel east and west facades of the two towers would be about 33m apart, forcing different light conditions onto the buildings and causing the perspective to tighten the horizontal bands (formed by the proposed balconies) of the more distant tower. Furthermore, the proposed inner anodised aluminium and glass facades would be recessed about 2m behind the white stone balcony bands, meaning that the appearance of these facades would vary considerably across the two towers over a distance of 33m. Officers are satisfied that the proposed separation, design features and varying heights should ensure that the proposed towers are seen as two separate buildings.

#### Architecture

- 14.44 Tall buildings are by their very nature prominent and it is particularly important to ensure high quality design and materials. The proposed composition of the building (base, the middle and the top) is outlined above. Many of the surrounding buildings are almost completely composed of curtain walling, with minimal articulation of mass or

surface. In contrast, the proposed towers would have depth, with the strong horizontal off-white balconies contrasting with recessed anodised dark aluminium cladding. This approach would ensure that the buildings are read as 'residential towers' (as opposed to offices) and is welcomed by officers.

- 14.45 The podium base of the buildings would be formed of deep, vertical off-white concrete mullions on a 3m grid, complemented by stainless steel glazing frames to entrances and shopfronts, thus presenting a more familiar 'street' feel to public frontages.
- 14.46 The cladding to the Level 2 plant rooms (between the proposed podium and the apartments) would repeat the inner facade treatment proposed for the upper floors. This dark collar would provide a contrast between both the proposed vertical base and the horizontal residential floors. It is recommended that the details of proposed external materials are reserved by way of a planning condition.
- 14.47 At its meeting in April 2013, CADAP requested that due attention be given to the lighting strategy for the buildings. It is recommended that a planning condition requires an external lighting strategy to be reserved for detailed consideration.

#### Microclimate (wind)

- 14.48 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 14.49 The proposed development incorporates a number of design features that would mitigate wind effects. These include:
- a 1.4 m high glass screen on either side of the walkway linking the two podium amenity spaces gardens;
  - vertical privacy screens between the individual balconies along some of the tower elevations;
  - a canopy along the south façade of the East Tower to the indoor amenity space; and
  - proposed landscaping scheme – including retention of existing trees along Marsh Wall and the eastern boundary of the site would be retained and supplemented by additional trees, planting of evergreen perennial herbaceous plants and deciduous shrub and trees (with all landscaping resulting in an additional 48 trees)
- 14.50 The ES reports on a wind tunnel assessment that tested wind environment at a number of strategic locations around the site at ground floor level, including pedestrian entrances, the proposed western publicly accessible open space and communal amenity space and public realm areas. The assessment also considered likely wind

conditions on the proposed podium level communal amenity areas and on proposed private balconies on north, south, east and west elevations at various heights. The assessment went on to consider the likely effects at a number of locations outside of the site, next to the neighbouring Quay House (to the east) and Britannia Hotel (to the west). In total, 72 locations were tested. The ES draws the following conclusions:

- The proposed development is unlikely to generate winds that are significantly windier at pedestrian thoroughfares around the site;
- The wind conditions around the existing site would be suitable for standing or sitting during the windiest season; whereas during the summertime, conditions suitable for sitting are likely to be experienced at all tested locations;
- The conditions around the proposed development would be windier than the existing site, but the public realm would remain relatively sheltered, with conditions suitable for sitting during the summer months with landscaping in place;
- During the windiest season, leisure walking conditions would occur at isolated locations near the corners of the proposed buildings and between the site and the neighbouring Britannia Hotel, but these would be suitable for the use of the site as a pedestrian thoroughfare. The majority of locations are categorised as suitable for standing or sitting during the windiest season. The effects are reported as being Neutral, Minor Beneficial and Moderate Beneficial where leisure walking, standing and sitting conditions are expected, respectively.

14.51 The wind microclimate around the proposed development would be typical of that which might be experienced walking around the Isle of Dogs in the vicinity of existing tall buildings and would be suitable for the intended pedestrian and amenity use of the site. Accordingly the ES concludes that the residual effect on the local wind microclimate is Neutral. The clarifications to the ES submitted in October 2014 confirm that the revised arrangements for play provision at podium level and in the Western Garden would not materially alter the outcomes of the wind assessment as reported in the 2012 ES. This information also confirms that suitable wind conditions would be expected along the southern facade of the West Tower fronting Marsh Wall, where the entrance to flats on Levels 03 to 17 of the West Tower is now proposed.

14.52 There is only one receptor, for the proposed development, where the wind speed would exceed Beaufort Force 6 (large tree branches begin to move, telephone wires whistle). This would occur at the northern extent of the proposed Western Garden – near the dock edge. The proposed landscaping would shelter this area from stronger winds which may occur during the summer season. However, during the rest of the year, the ES concludes that this area would be more of a pedestrian thoroughfare where such winds are unlikely to cause nuisance



14.53 The ES also reports on an assessment of the likely effects of the proposed development together with the other 'cumulative developments'. This concludes that wind conditions would be calmer through the proposed western publicly accessible/communal amenity space, the south-east, south-west and north-east corners of the proposed development and the proposed drop-off area

### **Security and Community safety**

14.54 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security. Policy DM23 in the MDD seeks to ensure that development improves safety and security without compromising good design.

14.55 Generally, officers consider that the proposed development would be safe and secure. Entrances would be located in visible, safe and accessible locations, the proposed ground floor non-residential uses and flats above would create opportunities for natural surveillance, there is a clear distinction between public, semi-public and private spaces and there would be clear sightlines and improved legibility of the surrounding area. However, the Police Crime Prevention and Secured by Design Adviser has raised a number of issues in relation to the proposed development. These are as follows:

- The ground floor bicycle lobby should have a double access control system, with both internal and external doors secured to prevent tailgating etc. This should apply to all doors where there are external and internal accesses, including the Amenity Access doors;
- Rear waterside entrance with large canopy over must have monitored CCTV as well as some form of control on the entrance
- Eastern ground floor entrance to electricity sub-station and switch room looks like a long alley;
- The scheme would benefit from 24 hour concierge; and
- First floor balconies/podiums need to be checked to make sure they do not give access via climbing;
- A gate is needed on ramp to stop misuse; and
- Planning conditions should be used to ensure that details comply with the principles of Secure by Design.

14.56 The applicant has engaged constructively with the Police Crime Prevention and Secured by Design Advisor on these issues. It has also liaised with the Metropolitan Police Counter Terrorism Security Adviser. Officers welcome this. Discussions are continuing and it is recommended that details of the proposed entrance and lobby at the ground floor of the West Tower are reserved for subsequent approval to allow discussions on these proposed arrangements to continue.

- 14.57 The applicant has confirmed that there would be a 24 hour concierge service and CCTV coverage of public realm areas. It is recommended that an Estate Management Plan (to include details of 24/7 concierge and monitored CCTV) is reserved by way of a planning condition for the Council's approval. This could also cover the management of public access to the proposed central lobby area, which has been encouraged by CADAP (see above), but where the Design Advisor has recommended that this is limited to day-time only.
- 14.58 The ground floor plan alone does suggest that there would be an 'alley' between the proposed Sothern Arrival Courtyard and electricity substation. However, when reviewing elevations and sections, it is clear that access to the electricity substation would be via an open ramp (between the proposed double height residents lounge and basement vehicular access ramp) and there is no need to gate this space.
- 14.59 The first floor podiums would be about 8m above ground level and the lowest residential balconies would be about 6m above podium level (above the proposed plant level), meaning that they should be safe from intruders climbing in.
- 14.60 The applicant has confirmed that access to the ramp down to the basement servicing and parking areas would be controlled by a roller shutter and, it is recommended that this and other detailed issues about access control are secured by way of a planning condition to ensure that the scheme meets Secured by Design section 2 Certification.

### **Inclusive Design**

- 14.61 Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 14.62 The submitted Design and Access Statement demonstrates that the proposed development has generally been designed with the principles of inclusive design in mind. The shared space at the proposed Southern Arrival Court on Marsh Wall excludes a previously proposed fountain and includes a clear kerb line to help legibility. Minor revisions have also been made to the application to provide for a raised kerb line next to the proposed taxi drop-off point to help wheelchair users negotiate the transition into and out of a taxi.
- 14.63 The GLA has sought clarification on a number of detailed points. These are set out below, together with an officer response:
- The raised amenity space within the proposed Western Garden should include an additional ramp to allow access from the

dockside as well as Marsh Wall. (Officer response: The proposed ramp enables indirect access between the dockside and the raised garden and an additional ramp would conflict with designated play and amenity space and is not considered necessary)

- The fitness elements in the proposed trim trail should incorporate elements suitable for disabled people. (Officer response: the applicant has confirmed that this is the intention and this could be secured by planning, condition if permission was granted); and
- The applicant should investigate whether a ramp could be included in the proposed ground floor cafe (rather than the proposed platform lift) and confirm that wheelchair accessible toilets would be provided. (Officer response: the applicant has investigated the possibility of a ramp, but concluded that an overly complicated and excessive ramp would be required and that this would result in a significant loss of space in the cafe unit as well as obstructing the dock side entrance and providing a poor frontage. Minor revisions have been submitted to provide a wheelchair accessible toilet for the cafe. Officers consider this to be reasonable).

14.64 The proposed car parking provision is discussed in detail in Section 17 of this report. Of the proposed 14 surface level bays in the basement, 10 are of a size and design to be suitable for wheelchair users. The entrance/exit to the proposed automatic car parking stacking system (88 spaces) would be sufficiently wide to allow a wheelchair user to transfer in and out of their car before it is 'parked'.

14.65 Accessible housing issues are discussed in detail in Section 13 of this report. In summary, it is recommended that planning conditions are attached to any permission to ensure that all of the proposed dwellings meet the Lifetime Homes Standards and that at least 10% are 'easily adaptable' to wheelchair accessible housing.

### Conclusion

14.66 The scale and form of the proposed tall buildings would successfully mediate between Canary Wharf and existing/proposed buildings to the south of Marsh Wall. They would be of high quality design, provide a positive contribution to the skyline and not adversely impact on heritage assets or strategic or local views. The proposed East Tower's relationship with the South Dock (overhanging a proposed dock-side public path) is acceptable given the particular circumstances of the application, including the overall site layout where the West Tower would be set back from the Dock and a publicly accessible open space would be provided. The proposed buildings would have a good relationship with Marsh Wall and proposed active frontages at ground level should help ensure a safe and inviting environment.

14.67 As discussed in Sections 14 and 15, the density of the proposed scheme would not result in undue adverse impacts typically associated with overdevelopment and there would be no significant

impact upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The proposed overall high quality of residential accommodation, along with sufficient private and communal amenity spaces would provide an acceptable living environment for the future occupiers of the site.

- 14.68 Given the above, the height of the proposed buildings is considered acceptable and in accordance with Development Management DPD Policy DM26.

## **15.0 Neighbouring amenity**

- 15.1 Policy DM25 of MDD requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.
- 15.2 The effects on microclimate, noise and air quality are assessed elsewhere in this report. However, the cumulative impacts of all these potential effects on neighbouring amenity are considered in the conclusion of this section.
- 15.3 There are two scenarios considered in this section. The first looks at the proposed development with existing buildings only. The second looks at the proposed development with existing and cumulative schemes (i.e. nearby consented and proposed buildings).

### Privacy, outlook and sense of enclosure

- 15.4 In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally sufficient to mitigate any significant loss of privacy between habitable facing windows. The Mayor of London's Housing SPG (November 2012) (Baseline Standard 5.1.1) makes clear that proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces. It refers to separation distances of 18-21m between facing homes (rooms as opposed to balconies) as being a useful yardstick, but warns against adhering rigidly to this.

### *Existing Situation*

- 15.5 In the first scenario, the proposed development is surrounded by commercial development to the east, Admirals Way/ Marsh Wall and

commercial development to the south and south west, the Britannia Hotel to the west, and South Dock to the north. The windows in the proposed West Tower would be approximately 19.9m away from the windows in the Britannia Hotel and this should not give rise to any loss of privacy for temporary hotel guests. Proposed windows in the East and West Tower would be within 16 and 22m from neighbouring commercial buildings. In conclusion, the proposal would not result in a loss of privacy to existing neighbouring residential occupiers.

#### *Quay House Site*

- 15.6 In relation to the second scenario, the East Tower would be set between 2 and 5m from the boundary with the Quay House site to the east. However, the site extends under the DLR viaduct and the proposed distance between the East Tower and the proposed Quay House residential tower (PA/14/00990) would be 20m (21.8m between windows). In addition, the proposed windows in the Quay House would be angled away from directly overlooking the Arrowhead Quay site. This proposed relationship is considered acceptable in terms of privacy and overlooking and neither scheme prejudices the other.

#### *63-69 Manilla Street*

- 15.7 The consented housing would be over 40m to the south and front westwards on to Manilla Street. This relationship is considered acceptable in terms of privacy/overlooking.

#### *30 Marsh Wall*

- 15.8 The distance between the proposed West Tower and the proposed housing at 30 Marsh Wall (PA/13/03161) (to the south west of the Arrowhead Quay site) would be over 60m at the nearest point, with Britannia Hotel in between. This relationship is considered acceptable in terms of privacy/overlooking.

#### *40 Marsh Wall*

- 15.9 The distance between habitable windows in the proposed West Tower and the consented hotel/offices at 40 Marsh Wall (PA/13/03161) (to the south) would be about 20m at the nearest point. This relationship is considered acceptable in terms of privacy/overlooking

#### *Britannia Hotel Site*

- 15.10 In addition to safeguarding the privacy of guests in the existing hotel (see above), the proposals would provide a satisfactory separation distance with the site should this come forward for housing at some point in the future.

#### Effect on daylight and sunlight of neighbouring dwellings

- 15.11 DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.

- 15.12 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 15.13 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at least 27% VSC or retain at least 80% of the pre-development VSC value.
- 15.14 The NSL is a measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.
- 15.15 Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 15.16 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 15.17 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.
- 15.18 If the available annual and winter sunlight hours are less than 25% and 5% of annual probable sunlight and less 0.8 times their former value, either the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight.

#### Likely Significant Effects in the Existing Situation

*Tideway House (approx. 110m to the south).*

- 15.19 The assessment tested 20 relevant kitchen and bedroom windows on the ground, first, second and third floors. Noticeable reduction in daylight would only occur at 5 undershot kitchens (with VSC reduction

of more than 20%) and all 20 windows tested meet the NSL and ADF tests. The ES concludes that this would represent a negligible effect and officers agree. There is no requirement to test sunlight for this property as no windows face within 90 degrees of due south.

*4 Mastmaker Road (approx. 85m to the south-east).*

- 15.20 The assessment tested 80 relevant kitchen, bedroom and living room windows on the ground, first, second, third and fourth floors. Noticeable reduction in daylight would occur at 22 windows (with VSC reduction of more than 20%) (with most of these being less sensitive kitchens and bedrooms) and all 80 windows tested meet the NSL and ADF tests. The ES concludes that this would represent a negligible effect and officers agree. There is no requirement to test sunlight for this property as no windows face within 90 degrees of due south

*30 Cuba Street (approx. 60m to the west).*

- 15.21 The assessment tested 15 windows on the first, second, third, fourth and fifth floors. Noticeable reduction in daylight would occur at 10 windows (with VSC reduction of more than 20%). All windows meet the NSL test, but 8 bedrooms and one living room would fall below the required ADF levels. Overall, the ES concludes that this would represent a negligible effect and officers agree. There is no requirement to test sunlight for this property as no windows face within 90 degrees of due south.

*Britannia Hotel*

- 15.22 Following requests from officers, the submitted ES been augmented by an assessment of likely significant effects on Britannia Hotel (July 2013). Sunlight and daylight issues are not usually considered for hotels on the basis that the use is transient and rooms are used mainly at night when artificial light is used. Indeed, the Council has granted planning permission for a number of hotel applications where rooms have no natural light. The more significant issue is safeguarding the development potential of the site. In the absence of a proposal to redevelop the site, there are no detailed window locations/sizes to test. However, the assessment demonstrates that whilst the lower floors of the southern part a hypothetical redevelopment proposal (closest to the proposed West Tower) built on the same line as the existing hotel may only benefit from a VSC of around 5%, this rises to over 19% on upper floors, although ADF levels could achieve over 3%. Officers consider that whilst a future redevelopment of the Britannia Hotel site may require careful site planning, including non-residential uses on the ground floor of the southern part of the site, the Arrowhead Quay proposals would not prejudice development of this adjoining site for housing in the future.

*Quay House and commercial buildings to east*

- 15.23 Internal sunlight and daylight issues are not usually considered material planning considerations for business premises and likely effects on these buildings has not been tested.

*West India South Dock water space*

- 15.24 In terms of permanent overshadowing, the ES reports on an assessment of the West India Dock South (that part to the west of the existing footbridge). This finds that approx. 51% of this water space would receive two or more hours of sunlight on 21 March, thus meeting the relevant guidance in the BRE Guide. Transient shadow paths across on and off-site amenity spaces and West India South Dock would range from Minor Adverse (on 21 June) to Moderate Adverse (on 21 March). The effects on these areas would move significantly during the day.

Likely Significant Effects in the Cumulative Scenario

- 15.25 A number of the schemes assessed for cumulative effects are some distance away from the Arrowhead Quay site and have been discounted for daylight and sunlight purposes as they do not have the potential to give rise to localised cumulative effects.
- 15.26 The applicant has undertaken an assessment for a number of other consented schemes, including Heron Quays West 1 and 2, 2 Millharbour (former Guardian Press Site), 1 Park Place, City Pride and Newfoundland and reported this in the further environmental information submitted in August 2014. This concluded that, overall, some slight additional cumulative effects are expected but given the distance of these schemes and location relative to the site and presence of intervening buildings, these effects are not expected to be material or noticeable.
- 15.27 The following paragraphs focus on reasonably foreseeable schemes (including current applications) in the area around the Arrowhead Quay site.

*Quay House Site*

- 15.28 The proposed residential tower on the Quay House site (PA/14/00990) would be 20m to the east (21.8m between windows). The EIA Further Information (August 2014) notes that detailed daylight, sunlight and overshadowing studies were undertaken in support of the Quayside House application. This found that the proposed Quay House tower would (if permitted and built) reduce these levels of ADF very noticeably, and to rooms on all floors in the proposed East Tower and the lower four floors on the proposed West Tower. Reductions would be substantially more than 50% from the ADF that they would have if Quay House was not developed, and there would be reductions of up to 90% from that level. In the worst cases, there would be bedrooms that would be left with ADF values as low as 0.07 which cannot be considered to be a level of light that would give adequate amenity. Therefore, it is clear that the rooms in Arrowhead Quay, in particular the East Tower, would have a very poor level of internal illuminance.



- 15.29 The Quay House ES found that proposed effect of Quay House on the proposed Arrowhead Quay development would be 'major adverse' in the actual proposed state. However, as stressed in the Arrowhead Quay EIA Further Information (August 2014), the BRE Guidelines suggest that an alternative assessment can be undertaken without the proposed balconies in place. The Quay House ES reports on such an assessment and finds that the likely effects would be 'minor to moderate adverse'.
- 15.30 Officers consider that the acceptability of the Arrowhead Quay proposal should be undertaken on the actual proposed state, with balconies in place. The overall design strategy for Arrowhead Quay is discussed in Section 14 above. The proposed projecting wrap around balconies (1.8m on east and west elevations and 1.4m on north and south elevations) are a prominent feature of the proposed towers and contribute positively to what is considered to be a high quality design. They also ensure that all of the proposed flats at Arrowhead Quay would have a generous level of private amenity space (as discussed in Section 13) and help to mitigate likely adverse noise effects (as discussed in Section 20). This design choice does clearly impact on the internal daylight conditions that the proposed flats would enjoy and these would generally be significantly below the normal minimum standards. However, officers consider that likely internal daylight conditions need to be considered in the round, along with other amenity considerations. The key relevant amenity issues can be summarised as follows:
- All of the proposed flats would be generously sized (significantly exceeding minimum floorspace standards);
  - All of the proposed flats would have floor to ceiling heights of 2.7m (significantly exceeding the Baseline standard of 2.5m);
  - All of the proposed flats would have private amenity space (provided by the balconies) in excess of required standards;
  - The flats would have access to communal amenity space and play space that generally complies with standards and on-site publicly accessible open space;
  - The proposed Private flats would have access to additional on-site amenities (including a gym/swimming pool, cinema and resident lounges; and
  - With mitigation, all of the proposed flats would have a satisfactory internal noise environment.
- 15.31 All of the proposed flats in the East Tower would be Private and none of the proposed east/west facing single-aspect flats would be family-sized flats. In the circumstances and taking account of other amenity issues, officers consider that the Arrowhead Quay proposal is acceptable in the context of the proposed tower on the Quay House site. Given this, officers do not consider that the approval of the Arrowhead Quay application would harm the development potential for a tall building on the Quay House site.

*63-69 Manilla Street*

- 15.32 The consented housing would be over 40m to the south, fronting Manilla Street. At the request of officers, the applicant submitted an assessment of likely significant sunlight and daylight effects (July 2013) to augment the ES. This concluded that there would be no noticeable impact on the residential element of the consented development.

*30 Marsh Wall*

- 15.33 The distance between the proposed West Tower and the proposed housing at 30 Marsh Wall (PA/13/03161) (to the south west of the Arrowhead Quay site) would be over 60m at the nearest point, with Britannia Hotel in between. The EIA Further Information (August 2014) refers to the submitted daylight/sunlight and overshadowing studies submitted in support of the 30 Marsh Wall application. These conclude that in respect of daylight, there would be a very small impact on Arrowhead Quay and that the internal daylight within the proposed homes at 30 Marsh Wall with the cumulative proposals (including Arrowhead Quay) in place would be 'beneficial'. The effects to sunlight are reported as negligible.

*40 Marsh Wall*

- 15.34 The distance between habitable windows in the proposed West Tower and the consented hotel/offices at 40 Marsh Wall (PA/13/03161) (to the south) would be about 20m at the nearest point. At the request of officers, the applicant submitted an assessment of likely significant sunlight and daylight effects (July 2013) to augment the ES. This concluded that with the proposed Arrowhead Quay development in place there would be reductions in VSC in excess of BRE guidance for some parts of the building (if in residential use). However, the consented scheme is for a mixed use hotel/business/leisure development.

Local Resident Concerns

- 15.35 A number of local residents living in Landmark Tower, Pan Peninsula, Vanguard Tower and Cascades Tower have raised concerns about loss of daylight/sunlight. The BRE Guidelines state that the loss of light to existing windows need not be analysed if the distance between the proposed new development and the existing window is more than three times its height above the centre of the existing window. The applicant has calculated the threshold for any possible effect (based on the relationship between the proposed towers and the lowest potentially affected windows) and concluded that Pan Peninsula, Vanguard and Cascades Towers are at (over 500m) too distant to have any noticeable effect. Landmark Tower (about 260m to the east) does fall within the height/distance ratio where there could be a noticeable effect and the applicant has supplemented the submitted ES with an assessment (July 2013). This demonstrates that the proposal could have minor to moderate adverse impacts on some flats on the lower eight floors of Landmark Tower. However, officers

consider that the resultant daylight and sunlight conditions for people living in these flats are acceptable.

### Shadow Analysis

#### *Sun hours on the ground*

- 15.36 The BRE guidance advise that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no less than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21st of March.
- 15.37 The introduction of a tall building on the Quay House site of the scale proposed in current application (PA/14/00990) would result in additional shadow on 21st March, such that the combined effect of cumulative schemes would result in parts of West India South Dock being in shadow throughout the day. On 21st June, the shadow would be shorter on the water/ground.

#### *Transient Overshadowing*

- 15.38 The BRE guidance give no criteria for the significance of transient overshadowing other than to suggest that by establishing the different times of day and year when shadow will be cast over surrounding areas an indication is given as to the significance of the proposed development's effect. As such, assessment of the potential effect associated with transient overshadowing is made based on expert judgement.
- 15.39 Transient overshadowing diagrams (on hourly intervals throughout the day) have been undertaken at three dates: 21<sup>st</sup> March, 21<sup>st</sup> June and 21<sup>st</sup> December in order to understand the shadowing effects of the development. These are considered to show an acceptable impact. The introduction of a tall building on the site of Quay House would increase the extent of the shadow that would track around during the course of the day.

## **16.0 Heritage**

- 16.1 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 16.2 London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

- 16.3 Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The two strategic views referred to above are ‘designated’ heritage assets, whilst it is considered that the potential archaeological remains are ‘non-designated’ heritage assets.

#### Strategic Views

- 16.4 These are discussed under the ‘Assessment of setting and Strategic Views’ in the Design section above. In summary, officers agree with the findings of the Townscape and Visual Assessment and consider that there would be no significant impact on the setting of the view or the Outstanding Universal Value of the Greenwich Maritime World Heritage Site.

#### Surrounding Conservation Areas and Listed Buildings

- 16.5 It is considered that, having regard to the distance between this site and surrounding heritage assets (including Grade 1 and Grade II Listed dock walls and Coldharbour, West India Dock and Narrow Street Conservation Areas), along with the cumulative effect of consented tall buildings in the Tower Hamlets Activity Area, the proposal would have a negligible effect on the setting of these assets.

#### Archaeology

- 16.6 The NPPF and London Plan Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process.
- 16.7 Archaeological works on the site were undertaken in connection with the implementation of the consented office scheme. In view of the limited extent of the proposed future ground works, English Heritage has commented that there is no need for further archaeological intervention.

### **17.0 Highways and Transportation**

- 17.1 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. London Plan Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 17.2 CS Policy SP08 & SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

17.3 As detailed earlier in this report, the site has a good public transport accessibility level, with the applicant's site-specific calculation showing that the site has a PTAL of 5 ('Very Good') (1 being poor and 6 being excellent). Heron Quays Docklands Light Railway (DLR) Station is approx. 350m to the north via South Quay footbridge and South Quay DLR Station is approx. 500m to the east along Marsh Wall. The Jubilee Line Underground Station is approx. 400m to the north east (again via the South Quay footbridge) and Marsh Wall is part of the route for the 135, 277, D3, D7 and D8 bus services.. From 2018, the Canary Wharf Crossrail Station (approx. 800m to the north via the South Quay footbridge). The site is also served by the Mayor of London's Cycle Hire Scheme ('Boris Bikes'), with the nearest docking station being next to Heron Quays DLR station around 300m to the north (via the South Quay footbridge).

### Trip Generation

17.4 Based on data from comparable residential schemes and various assumptions which officers consider acceptable, the submitted Addendum to the Transport Assessment (TA) estimates the likely residential trip generations from the revised proposals would be as set out in Table 5 below.

**Table 5: Predicted Trip Generation**

Mode	AM Peak Hour*			PM Peak Hour*		
	In	Out	Total	In	Out	Total
Car Driver	3	4	7	6	5	11
Car Passenger	4	6	10	16	7	23
Taxi Passenger	3	4	7	6	5	11
Coach	0	0	0	0	0	0
Motorcycle	0	3	3	1	0	1
Bicycle	0	9	9	7	1	8
DLR	8	107	115	60	20	80
Jubilee West	9	134	143	74	25	99
Jubilee East	0	4	4	2	1	3
Bus	3	36	39	20	7	27
Walk	5	75	80	41	13	54
<b>Total Person</b>	<b>34</b>	<b>382</b>	<b>416</b>	<b>235</b>	<b>84</b>	<b>319</b>

\* Based on traffic surveys, the local peak hours for traffic movements along Marsh Wall have been determined as 08.30 to 09.30 in the morning and 17.30 to 18.30 in the evening

17.5 In terms of servicing (including the proposed non-residential accommodation) the submitted Addendum to the TA estimates that servicing trips would be about six during the morning peak period and none during the evening peak. The original TA estimates that across the course of the day, servicing trips are expected to comprise around 56 two-way Light Goods Vehicles (LGVs) and 10 two-way Heavy Goods Vehicle (GHV) movements.

### Impact Assessment

### *Highways*

- 17.6 Vehicular access to the basement would be located at the south eastern corner of the site, by means of a give way junction onto Admirals Way. This is a similar location to that which was approved and part-built as part of the permitted office scheme (PA/07/00347). Officers explored during pre-application discussions possible alternative locations for this access, but concluded that given issues relating to gradient/levels, sightlines and traffic safety, this is the only practical location. Access to the Basement Level would be via a one way ramp which would be controlled by a management system such as barriers and/or traffic lights. The proposed ramp would have a 5m gently sloping area (1:20) at the top of the ramp, where vehicles could wait off the drop-off area before entering or existing the steeper ramped area.
- 17.7 In addition to the above, a one-way clockwise drop-off area for taxis etc. would be provided along the south-eastern edge of the site, close to the proposed main entrance and accessed from Admirals Way. The proposed area has been amended during the course of the application to make better provision for taxis dropping-off wheelchair user passengers.
- 17.8 At the request of officers and TfL, the applicant has prepared a Stage 1 Safety Audit for the ramp and drop-off area. This does not identify any anticipated conflicts between traffic using the drop-off area and accessing the basement ramp.
- 17.9 The Addendum to the TA estimates that there would be a total increase of 7 and 11 two-way trips during the morning and evening peak periods. This would have a negligible effect on traffic using Admirals Way and on Mastmaker Road, Marsh Wall and Millharbour. An assessment of the Marsh Wall/Admirals Way junction shows that this would operate within capacity during both peak periods.
- 17.10 The ES reports on an assessment of likely cumulative impacts. This shows that the committed schemes and the proposed development would have a moderate effect on traffic flows on the local road network. The greatest predicted growth would be on Millharbour, where movements would be expected to increase by 46% in the evening peak. However, whilst the anticipated percentage change is high, the absolute change in traffic is less marked, with an increase in flow of 35 vehicles. Traffic flow along Marsh Wall are predicted to increase by less than 1% (just under 20% when other committed schemes are taken into account).
- 17.11 To aid connectivity and pedestrian safety, the applicant proposes the introduction of a pedestrian crossing on Marsh Wall and if permission was granted the details of such a crossing could be secure by way of an agreement under S278 of the Highways Act.

### *Public Transport*

- 17.12 The Mayor of London's CIL requires the payment of approximately £2.71m towards the costs of providing Crossrail. London Plan Policy 6.5 and the SPG 'Use of planning obligations in the funding of Crossrail' (November 2012) set out the mechanism for contributions towards Crossrail. This application proposes 614sqm of retail space and the required SPG contribution towards Crossrail would be £73,066, which would be treated as a credit towards the Mayor of London's CIL liability. It is recommended that this is secured by way of a planning obligation.
- 17.13 The Addendum to the TA estimates that there would be a total net increase of 39 and 27 two-way bus trips in the morning and evening peak hours respectively, equating to just over 1% of the capacity of bus services using Marsh Wall (about 1 additional passenger per bus). Officers agree that the effects of the proposed development would be negligible. TfL note that trips generated by this and other developments are likely to generate a need for further capacity on the bus network beyond that secured by contributions secured from other completed developments. It therefore requests a financial contribution of £475,000 towards mitigation of bus impact. Whilst officers accept that the scale of development in the area is likely to require increased bus capacity, Council records show that a significant proportion of the financial contributions secured in relation to the part-implemented office scheme on the site were pooled with contributions from other permitted schemes and spent on TfL transport related projects (including the movement and increase in capacity of South Quays DLR Station). Given this, officers consider that it would be unreasonable to require additional financial contributions towards transport related matters, other than Crossrail CIL/planning obligations, which relate to specific policy and guidance that has been developed since the grant of permission for the previously consented office scheme.
- 17.14 The Addendum to the TA estimates that there would be a total net increase of 115 and 80 two-way DLR trips in the morning and evening peak hours respectively, equating to about 0.1% of inbound trips from the west and 1.1% of outbound trips to the west. When other proposed development is added to the future baseline, the expected cumulative impacts would still mean that the inbound services from the east would be operating with about 36% spare capacity and inbound services from the south would have about 48% spare capacity. Officers agree that the effects of the proposed development would be negligible.
- 17.15 TfL has asked that planning conditions are attached to any planning permission safeguarding the integrity of the DLR viaduct and services. Officers recommend that such conditions are attached to any permission.

17.16 The Addendum to the TA estimates that there would be a total net increase of 145 and 99 two-way Jubilee Line (West-bound) trips in the morning and evening peak hours respectively, equating to about 0.3% of the capacity of future services. The cumulative assessment of the proposed development and other committed developments in the area (set out in the ES, 8.209) show that the morning peak west inbound Jubilee Line services between Canada Water and Canary Wharf is predicted to be over capacity based on current service patterns. However, the ES notes that there is potential that by the time some of the committed schemes are completed, the service provision could be increased from 24 to 30 trains per hour in each direction. In addition, the applicant anticipates that a number of the Jubilee Line trips would be transferred onto Crossrail (with a new station at Canary Wharf) when this becomes operational in 2018. The ES concludes that the cumulative effect would be of negligible significance.

17.17 The Port of London Authority notes that the use of the river for the transport of passengers is not addressed in the ES or the Travel Plan and no targets are set for river use or measures set out to encourage the use of the river in travel plans and asks that these issues are addressed. The applicant notes that the nearest pier to the site is Canary Wharf Pier to the east, which would require a significantly longer walk than getting to the nearest DLR or Underground station and that there are currently only four passenger boats per hour during the peak hours. Given this, the applicant concludes that the number of people likely to use river services is likely to be negligible and does not, therefore, warrant further assessment or mitigation. Officers agree.

*Pedestrians and Cyclists*

17.18 The Addendum to the TA estimates that there would be a total increase of 89 and 72 two-way pedestrian and cycle trips to and from the proposed development during the morning and evening peak periods (in addition to those walking/cycling to catch public transport).

17.19 The proposals include the provision of new publicly accessible pedestrian and cycle route on the east and west sides of the proposed buildings between Marsh Wall and the Dock and a new publicly accessible dockside route and visitor cycle parking along Marsh Wall. If permission were granted, it is recommended that this should be subject to planning conditions/obligations that secure these features.

17.20 TfL has also requested financial contributions of £15,000 towards Legible London signage and an unspecified amount towards implementing the findings of a Pedestrian Environment Review System (PERS) audit. For the reasons given above, officers consider that it would be unreasonable to require additional financial contributions towards transport related matters, other than those related to Crossrail.



## Servicing and Deliveries

- 17.21 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. Policy DM 21 in the Managing Development DPD requires applications to demonstrate how potential impacts on the transport network and amenity can be avoided or mitigated, the use of water has been maximised and goods vehicles accommodated on site.
- 17.22 A number of minor amendments to the application were submitted in February 2014 to address issues raised by LBTH Transportation and Highways and Waste teams. These comprise a revised basement layout including a dedicated and clearly demarcated 'bin loading area' immediately adjacent to a larger bin collection area and a 'goods in' bay and detailed amendments to a number of car parking bays to improve visibility. The revisions provide for a flexible delivery area comprising a 'goods in' area' of 10x5m that could accommodate an HGV and two larger LGVs and a 'bin loading area' suitable for use by an HGV at times when it is not being used for refuse collection purposes. Further changes would not be possible without increasing the floor to-ceiling height of an area of the basement (which would have knock-on implications for the mezzanine area above) and the loss of for 'blue badge' surface car parking spaces (which would adversely affect the offer of accessible housing, both Lifetime Homes standard and easily adaptable homes and the overall financial viability of the proposal). The expected peak number of deliveries of 6 vehicles per hour during the morning peak period should be capable of being managed in relation to refuse collections via a Delivery and Servicing Plan that is recommended to be secured via a planning condition.

## Parking

### *Car Parking*

- 17.23 Policies 6.13 of the London Plan, Policy SP09 of the Core Strategy and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 17.24 The proposal includes a total of 102 residential car parking spaces at Basement Level. These spaces would comprise 14 conventional surface car parking spaces and two areas providing a total 88 car parking spaces within a fully mechanised stacking system, where cars would be stored and retrieved. Of the 102 proposed spaces, 10 of the conventional surface spaces are designed and sized to be capable of independent use by disabled drivers. The proposed stacking system would allow all drivers, including disabled drivers, to park and retrieve cars. Given this, 98 spaces could be accessible for disabled drivers – which means that there could be a car parking space available for each of the required 76 'easily adaptable' homes.

The level of proposed car parking represents 13% or 1 space for approximately every 8 homes. This level of parking accords with Policy DM22 in the Managing Development DPD and is considered acceptable. If permission is granted, in order to prevent any overspill parking it is recommended that a planning obligation ensures that no resident (other than 'Blue Badge' holders and those residents of the proposed family-sized Affordable Rented flats that wish to exercise their right to park on public highways under the Council's parking Permit Transfer Scheme) would be able to purchase an on-street parking permit for controlled resident parking bays in local streets.

- 17.25 Electric car charging points would be provided for all of the conventional car parking spaces and the applicant has confirmed that the proposed stacking system is capable of being fitted with electric car charging points. This would meet the requirement in London Plan Policy 6.13 for 20% of spaces to have active charging points and 20% to have passive provision. If permission is granted, it is recommended that electric vehicle charging points are secured by way of planning condition for both the conventional and stacked spaces.
- 17.26 The applicant proposes to sell residents the right to park in the basement parking area subject to availability, with a space then being allocated for their use only. All residents that lease a space would be provided with a security fob which would allow access to the basement as well as to the lifts to allow access back into the residential areas. Spaces could be re-allocated on a two week notice period and allows for changing requirements or residents (such as the purchase of an electric car or needing a 'blue badge' space). It is recommended that a planning condition is attached to any permission to require the submission and approval of a Car Park Management Plan to ensure suitable management procedures are in place which prioritise parking for disabled and other high-priority drivers.

#### *Cycle Parking and Facilities*

- 17.27 Policy DM23 of the Managing Development DPD and London Plan Policy 6.13 require minimum levels of cycle parking.
- 17.28 The Addendum to the TA notes that revisions to London Plan Policy 6.13 mean that 817 cycle parking spaces for residents are required, as opposed to the 808 spaces proposed. Other requirements are for 4 spaces for people working in the proposed ground floor non-residential units and 30 spaces for visitors. The applicant's experience from the Pan Peninsula development further along Marsh Wall to the east is that typically only 71 bicycles are stored within a basement cycle store for a development of around 800 homes and that, based on this experience, it would be illogical to provide the level of parking required by policy if the likely take-up is only about 10%. The applicant makes the case for flexible management of cycle storage, proposing that provision would be made at a minimum level of 0.65 spaces per unit (515 spaces) and would be evaluated

annually in perpetuity and increased to a level 15% greater than demand up to the provision of 808 spaces (9 spaces short of the policy requirement). Officers accept that this is a reasonable approach and recommend that it is secured by way of a planning obligation.

- 17.29 The applicant has also developed two alternative cycle parking solutions. Submitted drawing GHA-P-117 shows that 808 spaces could be satisfactorily provided at Basement Mezzanine Level. However, Drawing GHA-P-101 Rev A shows parking for 600 bicycles (450 cycle spaces and 150 lockers which would also be suitable for bike storage) at Basement Mezzanine Level. Separate access to the basement resident's cycle parking areas would be provided at the base of the West Tower, by way of a separate lobby area and two lifts. A shower and changing area for management staff and people working in the proposed ground floor non-residential units is proposed at Basement Mezzanine Level. It is recommended that both of these alternative arrangements are granted planning permission and that the actual level of provision is managed by a planning obligation.
- 17.30 A total of 30 visitor cycle parking spaces (15 stands) are proposed to be provided by stands either integrated within the public realm areas of the site itself. The original proposal to locate these within the Marsh Wall footway has been abandoned following concerns raised by LBTH Highways and Transportation. It is recommended that the location and details of these stands are reserved for subsequent approval by way of a planning condition.

#### Travel Planning

- 17.31 Policy DM20 in the Managing Development DPD requires a Travel Plan where significant impacts are identified. The submitted TA includes a Residential Travel Plan in order to ensure that sustainable travel behaviour, including walking, cycling and public transport use, is maximised.
- 17.32 A Residential Travel Plan has been submitted as part of the application. TfL has confirmed that it has passed the ATTrBuTE assessment and, if permission is granted, this could be secured by way of a planning obligation. Both TfL and officers have queried the proposed absence of on-site car club parking spaces/free membership of a club. The applicant has responded by stating that it has investigated issues with car club operators and that their preference is for bays on surrounding streets rather than within a private basement. It goes on to state that free-membership of a car club scheme is not considered necessary – given the proposed car and cycle parking proposals and has not been factored in to its financial appraisal. Officers accept that this is not necessary to make the scheme acceptable. It is recommended that the implementation of the Travel Plan is secured by way of a planning obligation.

- 17.33 To encourage the uptake of sustainable travel modes, TfL has asked for financial contributions of £40,000 to fund the installation of real-time information screens within the concierge area, located in prominent and accessible locations – providing departures and service updates for local bus, London underground, DLR and river service departures. For the reasons given above, officers consider that it would be unreasonable to require additional financial contributions towards transport related matters, other than those related to Crossrail.

#### Construction Traffic

- 17.34 The Port of London Authority has requested a specific condition requiring the applicant to investigate the use of the River for the transport of construction and waste materials to and from the site. The applicant has responded by stating that this has been investigated, but that this would require the existing footbridge to the east of the site to be opened/ closed a number of times across the course of a day. This would cause significant disruption to pedestrians crossing between Canary Wharf and the South Dock area and officers accept that this would outweigh potential benefits from using water to bring in/take out goods and materials. It is recommended that a Construction Logistics Plan is secured by a planning condition, in order to manage impacts associated with construction traffic.

### **18.0 Waste**

- 18.1 Policy DM14 of the Managing Development DPD requires applications to demonstrate appropriate waste storage facilities and for major developments to be subject to a Waste Reduction Management Plan.
- 18.2 The applicant's submitted Management Plan has calculated indicative weekly refuse and recycling storage requirements for the proposed homes based on the guidance in Appendix 2 of the Managing Development Document. The proposals provide for separate refuse chutes for the East and West Towers at ground floor level, close to the lift and stair cores. These chutes would feed two separate refuse areas at the proposed Basement Mezzanine level as follows: 203sqm (42 Eurobins) for the East Tower and 170sqm (39 Eurobins) for the West Tower. The proposals include a lift down from the Basement Mezzanine to the lower Basement Level, where there would be a designated bin collection loading area and space for refuse lorries to turn and park, so that they can arrive and leave in forward gear. The submitted Management Plan goes on to outline the following storage and collection process:
- Residents would segregate and store their refuse and recycling in their own homes, through the use of internal compartmentalised

waste storage in their kitchens. This would promote the segregation of recyclable materials at source;

- Residents would be responsible for manually transporting and depositing their refuse and recycling down dedicated waste chutes on the ground floor level which lead to the Basement Mezzanine refuse areas;
- A minimum clear space of 150mm between individual containers and between containers and surrounding walls will ensure satisfactory positioning. Sufficient space for the use and servicing of containers without moving other containers will be provided;
- Management company staff would regularly check the fullness of the containers in the waste room and replace them with empty containers when necessary;
- On collection days, the full containers would be presented at the agreed collection point in the basement level for refuse vehicles to access and crews to empty; and
- Refuse and recycling streams would each be collected from the proposed development at least twice every week. Once the proposed development was fully operational, waste collection frequencies would be reviewed with the waste collection contractor to ensure that they are sufficient to manage waste generation levels.

18.3 The amount of storage space required for commercial waste would vary due to the difference in waste output of the proposed flexible ground floor units (A1-A4 use). The applicant's submitted Management Plan makes clear that commercial tenants would be required to provide sufficient internal waste storage for their operations within their own demise and to follow LBTH's guidance on the appropriate storage of waste. The submitted Management Plan goes on to outline the following storage and collection process:

- Commercial tenants would segregate and store their refuse and recycling in their own units. Tenants would be responsible for transporting refuse and recycling to the local service core and deposit waste in a dedicated commercial waste store;
- The commercial units would each have their own dedicated containers in the commercial waste store which would be lockable to prevent misuse by others;
- All waste storage areas would be clearly labelled to ensure cross contamination of refuse and recycling is minimised;
- Floor surfaces would be of a smooth, continuous finish and free from steps or other obstacles. Any steps would incorporate a drop-kerb. Measures would be taken by the tenants to ensure that access to the agreed collection point will not be restricted on collection day; and
- The collection of commercial waste would be undertaken via external waste management contractors. It would be the responsibility of the commercial tenants to arrange for refuse and recycling to be collected.

18.4 A number of minor amendments to the application were submitted in February 2014 to address issues raised by LBTH Transportation and Highways and Waste teams. These comprised a revised basement layout including a dedicated and clearly demarcated 'bin loading area' immediately adjacent to a larger bin collection area and a 'goods in' bay and detailed amendments to a number of car parking bays to improve visibility. The revisions provide for a flexible delivery area comprising a 'goods in' area' of 10x5m that could accommodate an HGV and two larger LGVs. The applicant proposes to carefully manage the operation of the basement parking and servicing area, in a similar way to other nearby developments including Pan Peninsula and Baltimore Wharf. Experience from these developments suggests that, subject to securing appropriate management arrangements, the revised servicing arrangements are acceptable in principle. It is recommended that detailed arrangements are agreed via a Delivery and Servicing Plan, secured by way of a planning condition.

## **19.0 Energy & Sustainability**

19.1 At a national level, the NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.

19.2 The climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

19.3 The London Plan sets out the Mayor of London's energy hierarchy which is to:

- Use Less Energy (Be Lean)
- Supply Energy Efficiently (Be Clean)
- Use Renewable Energy (Be Green)

19.4 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.

19.5 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a minimum Code for Sustainable Homes Level 4 rating and non-residential to achieve BREEAM Excellent where feasible.

- 19.6 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy system in accordance with the following hierarchy: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.
- 19.7 The submitted Energy Statement (December 2012, supplementary information March 2013), follows the Mayor of London's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and meet current building regulation emission requirements.
- 19.8 It is proposed that space and water heating for the whole development would be delivered by a gas fired community heating system incorporating a Combined Heat and Power (CHP ) plant in an energy centre in the basement. Following queries by officers, the applicant has agreed to maximise the CHP contribution by increasing the size of the proposed units and supplying all of the proposed scheme (with the proposed swimming pool acting as a heat load). This would deliver CO2 emission reductions of 35% (Be Clean). The applicant has had discussions with the Barkantine Heat and Power Company and has confirmed that the on-site network would be designed to allow for connection to this wider network. This could be secured by planning condition if planning permission was granted, in accordance with London Plan Policy 5.6.
- 19.9 The requirements of Policy DM29 have increased since the application was submitted and the proposals now fall short of the requirement of a 50%. The Planning Obligations SPD includes a mechanism for any shortfall in CO2 reductions to be met through a cash-in-lieu contribution for sustainability projects. Based on the submitted energy strategy and achieving a 35% reduction in Co2 emissions the proposals would need to offset 15% (calculated as 168 tonnesCO2) at a cost of £1,800 per tonne, requiring a financial contribution of £302,400.
- 19.10 The Energy Statement reports on an investigation in to the possible use of on-site renewable energy technologies but concludes that none are appropriate. Following queries by officers, the applicant has agreed to investigate the use ground sourced cooling to supplement the proposed air cooled chillers. The applicant's response to LBTH queries (March 2013) estimates that this would deliver a further 2-4% reduction in the overall CO2 emissions (Be Green). If such measures were implemented this would reduce the expected financial contribution required for carbon offsetting to £241,700. It is recommended that a planning condition requires the further investigation in to the possibility of using ground source cooling and that planning obligation secures between £241,700 and £302,400 for carbon offsetting, dependant on whether ground is implemented.

- 19.11 The submitted Sustainability Statement sets out the findings of a Code for Sustainable Homes pre-assessment which demonstrates that Code Level 4 (score of 70-73) should be achievable for the proposed homes. This accords with Policy DM29 and it is recommended that compliance is secured by way of a planning condition.
- 19.12 The submitted Sustainability Statement also sets out the findings of a BREEAM pre-assessment which demonstrates that a 'VERY GOOD' (with a score of 61.64%) is achievable. Policy DM29 calls for an 'EXCELLENT' rating where feasible. The applicant has explained that the CO2 reductions required to meet the ENE1 mandatory credits required for 'EXCELLENT' could not be met – with a shortfall in this credit of 2-3%. As outlined above, a shortfall in carbon reductions could be offset by financial contributions and a high 'VERY GOOD' score for the relatively small amount of non-residential floorspace is considered acceptable. It is recommended that compliance with this standard is secured by way of a planning condition.
- 19.13 The Canal and River Trust has raised the prospect of water from the adjacent South Dock being used for cooling of buildings, as is done successfully by several waterside sites, including the adjacent Britannia Hotel. The applicant has confirmed that it would be willing to investigate this if permission was granted; along with the potential to use ground sourced cooling discussed above in relation to energy. It is recommended that this is secured by way of a planning condition.

## **20.0 Environmental Considerations**

### Air quality

- 20.1 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 20.2 The Ventilation Strategy (December 2012) submitted in support of the application proposes to ventilate kitchens associated with cafe/restaurant and bar use via low level discharge, given that the proposed height of the towers makes roof level discharge via ducting at approx. 172 and 188m above ground level unfeasible. The Strategy therefore proposes the inclusion of ventilation louvres at a high level in the ground floor facade, incorporating appropriate air treatment or intervention method to provide odour control. The Strategy anticipates these being located on the north facade, where a cafe/restaurant is shown, although the proposed flexible use of non-residential space means that such louvers may need to be provided in together



facades. Similar louvers would also be required for other proposed non-residential uses of ground floor units and for the ancillary residential space at ground and first floor level (including lobby, residents lounge, swimming pool and gym and cinema). It is recommended that a planning condition requires details of extract ventilation systems for permitted non-residential uses (including proposed odour control measures) to be submitted to and approved by the Council.

- 20.3 The Strategy outlines that each of the proposed flats would be ventilated via a mechanical supply and extract unit with heat recovery (MVHR), supplying fresh air to the habitable rooms and extracting from 'wet rooms'. Fresh air intakes and exhausts to/from the unit would be ducted to the facade where they would terminate with a weatherproof louver. Where flats are located within the reduced air quality zone, the MVHR units would be installed with Nitrogen Oxide (NOx) filters on the fresh air intakes
- 20.4 The exit flues for all the energy centre plant would run to the top of the Proposed Development's East Tower (the taller of the proposed two towers) and would be emitted from a stack approximately 3 m above the height of the roof to ensure adequate dispersion of exhaust gases
- 20.5 It is recommended that appropriate measures to control dust from the site during construction are secured through a planning condition requiring compliance with a Construction Management Plan.

#### Noise and Vibration

- 20.6 The NPPF provides guidance for assessing the impact of noise and refers to the Noise Policy Statement for England (NPSE). The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason
- 20.7 Policy 7.15 of the London Plan, Policies SP03 and SP10 of the CS and Policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 20.8 The site currently experiences noise from traffic on Marsh Wall and the DLR, as trains turn a corner on the elevated DLR viaduct. Measured and predicted noise conditions from existing and future traffic conditions have been taken into account in the ES.

#### *Dwellings*

- 20.9 The GLA Stage 1 Report notes that the London Housing Design Guide calls for no single-aspect units in Noise Exposure Categories (NEC) C or D and asks for confirmation of NEC categories. Comments from LBTH Environmental Health make clear that PPG24 has been withdrawn and that NECs are no longer strictly relevant. Nevertheless, the applicant has confirmed that of the 756 proposed flats 15 in the East Tower (1.9%) would be classified as falling within NEC C of which 6 (0.8%) would be single-aspect.
- 20.10 LBTH Environmental Health note that whilst NECs could be taken into account, they should not determine the suitability of the scheme, with the most important thing being the achievement of a “good” internal noise design standard for all habitable rooms. The achievement of this standard will require the inclusion of winter gardens (enclosed balcony spaces) for the proposed 5 flats on the first floor or the East Tower (close to the DLR). Elsewhere, the achievement of this standard would be achieved by way of sealed acoustic balustrades of 1.4m height, acoustically absorbing soffits, enhanced acoustic glazing and an acoustically attenuated whole house ventilation system. It is recommended that details of these measures are reserved by way of a planning condition.

#### *Balcony Spaces*

- 20.11 The ES notes that with the proposed 1.4m high wrap-around balconies and enclosed winter garden balcony spaces, 95% of the proposed private balcony spaces for flats would meet the World Health Organisation (WHO) guide of 55sd(A) during daytime. The GLA Stage 1 Report raises some concern about the 45 east facing flats on residential floors 2 to 10 of the proposed East Tower, where noise levels would be likely to be within the range of 55-60db(A) and recommends that the Council considers the possible need for additional mitigation. Officers have discussed with the applicant the possibility of also enclosing these private amenity areas to form winter gardens as a way of mitigating likely noise impacts. However, on balance, officers agree with the applicant that the overall amenity benefits of having an open balcony space outweigh the benefits of quieter but enclosed spaces. Experience from other housing schemes in the area suggests that residents still value and use open balcony spaces that experience similar levels of noise exposure.

#### *Communal Amenity Spaces*

- 20.12 The ES identifies that, despite the inclusion of 1.9m high glazed screening, the proposed communal garden area on the raised podium to the south of the East Tower (close to the DLR) as being likely to experience noise above the WHO guide of 55db(A). If permission were to be granted, it would be possible to reserve the details of proposed acoustic screening of this space to ensure that it is useable and enjoyable.

#### *Non-residential uses*

- 20.13 The proposed ground floor retail uses, which could include cafes/restaurants and drinking establishments, could cause noise and disturbance to future residents of the proposed scheme as well as guests staying in the nearby Britannia Hotel or future residents of permitted/potential homes on nearby sites. It is recommended that a planning condition restricts the hours of use of the proposed A1-A4 ground floor units to between 08.00 to 23.00 Monday to Sunday.

*Plant Noise*

- 20.14 The Council normally requires building services plant to be designed to ensure the achievement of a cumulative noise rating of 10db below the current prevailing background noise level at nearby residential facades. If permission were to be granted, a planning condition could be attached to ensure that the specification of plant achieves this standard, to ensure that noise does not disturb future residents, guests staying in the nearby Britannia Hotel or future residents of permitted/potential homes on nearby sites.

*Reflective Noise*

- 20.15 A local resident has raised the concern that the proposed buildings would reflect noise from the DLR. LBTH Environmental Health has noted that noise reflections could occur at points where buildings are close to the DLR and that this may increase incident noise levels at other residential or commercial facades by up to 3dB. However, Environmental Health go on to note that reflective noise rarely causes problems and only occurs where buildings are exposed to high noise levels (e.g. along the A4 and elevated M4 motorway).

*Construction*

- 20.16 Concerns have been raised by some local people about noise during the construction phase. There could also be residents living in one of the proposed two towers whilst the other tower is being built. In order to adequately manage adverse noise impacts during construction, it is recommended that a planning condition requires the submission and approval of a Construction Environment Management Plan (including a piling strategy to prevent impact piling) and that hours of construction are limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 (Saturdays) only.
- 20.17 Given the above and taking account of the potential use of planning conditions. Officers consider that the proposals generally comply with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Contaminated Land

- 20.18 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.

- 20.19 In this case the bulk of the necessary excavation was undertaken when creating the basement structures for the part implemented office buildings. At this time, the applicant successfully discharged Planning Condition 14 of the 2007 planning permission that required a site investigation (PA/10/01783) and LBTH Environmental Health has confirmed that there is no need for a further investigation/remediation strategy in this case

## **21.0 Flood Risk, Drainage and Water Resources**

- 21.1 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.

### *Flood Risk*

- 21.2 The site is located in Flood Zone 3 and proposal involves a *more vulnerable* use (i.e. housing). The site is 'allocated' within the Council's Local Plan for a mixed-use redevelopment including for a substantial element of residential use. As part of that Allocation, a Sequential Test had been undertaken. There have been no material changes in policy or site circumstances to question the continued validity of the conclusions of that test. Accordingly, in accordance with the NPPG, a further Sequential Test is not required to support this application.
- 21.3 The peak 1,000 year return period tidal flood levels in the River Thames including an allowance for climate change over the lifetime of the proposed development is 4.96m AOD. The site is defended from flooding by the Thames Tidal Defences which includes the Thames Barrier and river wall around the Isle of Dogs, which is at 5.23m AOD. This defence level is sufficient to defend the site against tidal and fluvial flooding for all events up to and including the 1,000 year return period. Existing ground levels are at least 4.98m AOD – which is above the 1,000 year flood levels. The proposed development would ensure that these levels are not changed so that habitable areas of the building and entrances to basements are not put at risk. Ground levels mean that a safe access/egress routes to and from the site would be provided throughout a 1,000 year tidal return flood event. The proposed residential accommodation would be provided from third floor (18.875m AOD) and above.
- 21.4 The Environment Agency has raised no objection in principle to the proposals, but has requested that two planning conditions are attached to any permission. The first would ensure that no development commences until a structural survey of the dock wall has been submitted to and approved by the Council and that any identified remedial works are undertaken. The second would ensure that no development commences until it has been demonstrated that the dock wall height could be raised in line with the Agency's TE2100 Plan from

the current 5.23mAOD to 6.2m AOD by 2100. It is recommended that both conditions are attached to a permission.

- 21.5 The GLA Stage 1 Report raises a number of concerns in relation to flood risk and the lack of any residual flood risk management options, such as subscription to the Environment Agency Flood Warning Service, drawing up a flood emergency plan for each building, providing safe refuge within the buildings as it is unlikely that a suitably dry access route will be available in the event of a flood, ensuring that all utility services can be maintained operational during a flood including ensuring that these services can be maintained operational during a flood and providing a sump within the basement to aid removal of floodwater.
- 21.6 The applicant has responded to these comments (August 2013) by noting that the site is defended from flooding up to a 1 in 1,000 year standard of protection and that the likelihood of a breach of flood defences is very low. It goes on to reiterate that residential accommodation would be at 18.875m AOD and above and that, in the unlikely event of a breach of defences, people living in the building would not be put at any risk. The applicant goes on to make clear that basement areas are “less vulnerable” and considered appropriate in areas of flood risk in the NPPF and that given the low likelihood of the site flooding, the additional measures called for by the GLA are not necessary.
- 21.7 It is important to note that the Environment Agency has not raised any concerns about residual flood risk management and officers accept that these are not necessary.

*Surface water drainage*

- 21.8 The proposed development would manage surface water runoff by way of the proposed living roof (260sqm) above the proposed entrance atrium space and an increase in landscaping at both ground and podium level. These features would improve upon existing run-off rates. It is proposed that surface water would discharge into both the West India Dock and Thames Water sewers at Marsh Wall at rates which would ensure no increase in flood risk. Any run-off from the proposed access road and basement parking areas would be routed through oil interceptors prior to discharge into the sewer.
- 21.9 The GLA Stage 1 Report raises no objection to drainage directly in to the Dock, but raises concerns that the submitted Flood Risk Assessment fails to fully demonstrate the aim to utilise Sustainable Urban Drainage Systems (SUDS), achieve Greenfield run-off rates/no increase in run-off rates or the effectiveness of the drainage strategy.
- 21.10 The applicant has responded to these comments (August 2013) by outlining how the proposal relates to the London Plan Drainage Hierarchy as follows:

- Store rainwater for later use – a commitment to consider rainwater harvesting at the detailed design stage to provide water supplies for irrigation and toilets within the non-residential uses and ‘make-up’ water for the proposed swimming pool;
- Use infiltration techniques such as porous surfaces – the proposed basement areas (already dug-out) would cover the whole site, making these techniques inappropriate;
- Attenuate rainwater in ponds or open water features for gradual release – these are not appropriate in publicly accessible open spaces;
- Attenuate rainwater by storing in tanks or sealed water features for gradual release – surface water from the proposed podium level would be attenuated via a tank before being discharged in to the Marsh Wall sewer;
- Discharge rainwater directly in to a water course – all the surface water from building roofs and hard landscaped areas along the dock edge would discharge directly into the dock; and
- Discharge rainwater to a sewer/drain – it is not proposed to discharge un-attenuated water into the Marsh Wall sewer (it would be via an attenuation tank).

21.11 The applicant’s response (August 2013) includes further preliminary calculations to demonstrate that the proposal would represent an improvement on the existing situation and that Greenfield run-off rates can be achieved.

21.12 Officers do not accept that ponds/open water features are incompatible with publicly accessible spaces and that risks can be appropriately managed. However, the design of the proposed Western Garden is based around play, adult fitness trail and high quality landscaping and the introduction of water features is not considered appropriate.

21.13 The applicant’s commitment to consider incorporating rainwater harvesting features is welcome and it is noted that the proposed discharge arrangements are subject to further consultation with the Canal and River Trust and Thames Water. It is recommended that a planning condition reserves a detailed drainage strategy for the Council’s approval, so that these issues can be fully explored and clarified.

*Risk of Pollution*

21.14 The risk of water pollution during the construction phase from the handling and storage of potentially hazardous materials, spillages and piling would be minimised by way of a Construction Environmental Management Plan (CEMP), which could be secured by condition. The mitigation measures to be set out in a CEMP (including an Emergency Incident Plan and the preparation of a piling risk assessment) plus the use of Continuous Flight Auger piling would ensure that pollution pathways are not created and residual, temporary effects are significantly reduced to what the ES reports as temporary ‘minor adverse.’

- 21.15 Discharge of surface water from a completed development into the dock and sewer would be subject to detailed licensing/agreement with the Canal and River Trust and Thames Water. The latter has requested that those petrol/oil interceptors should be fitted in all car parking/washing areas.

*Water supply and Waste Water*

- 21.16 Thames Water has confirmed that it will aim to provide a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute. In addition to recommending petrol/oil interceptors referred to above, Thames Water also recommend that non-return valves or other suitable devices be included to avoid the risk of backflow from sewers and that (in order to protect water supply infrastructure in the area) no impact piling should take place. It is recommended that these matters are secured by planning condition.

*Water Usage*

- 21.17 The management of water usage would be by various means. Individual metering would be implemented for the proposed homes and the landlord (intended to be the applicant) and non-residential users would also be provided with individual water meters. This meets the Mayor of London's requirement for 100% metering on all new developments. Commitment to at least meeting Code for Sustainable Homes (CfSH) Level 4 means that water consumption levels would be limited to 105 L per person per day and the commitment to at least meeting BREEAM Very Good for the proposed non-residential accommodation would limit water usage for these uses to 4.4 m<sup>3</sup>/person/year. It is recommended that these commitments are secured by planning condition.

## **22.0 Biodiversity**

- 22.1 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings.
- 22.2 The site currently offers very little contribution towards biodiversity. It is not located within a statutory area designated for wildlife purposes and there are no statutory nationally or internationally designated sites within 2 km. The Millwall and West India Docks Site of Importance for Nature Conservation (SINC) including the dock immediately to the north of the site is designated as a Site of Borough Importance Grade II. Millwall and West India Docks are known to support wintering birds, especially gulls and ducks. The River Thames SINC, about 300m west of the site at its closest point, is a SINC Site of Metropolitan Importance (SMI). The impacts that the

proposals would have on the Dock immediately to the north (in terms of daylight and sunlight and noise) is discussed above under the Amenity heading. In summary, no significant impacts on biodiversity are identified.

- 22.3 The proposals incorporate a number of open spaces (as described above. All of these spaces (save for the proposed enclosed garden within the East Tower) provide opportunities to enhance the biodiversity interest of the site, with about 20% of the site being vegetated. The ES states that the proposed soft landscaping would largely comprise either native plant species or species known to be beneficial to invertebrates.
- 22.4 If permission were to be granted, details of the proposed hard and soft landscaping could be reserved by way of a planning condition. A planning condition could also secure a Habitat Management Plan (HMP) to control the development, implementation and management of newly created habitats, including the soft-landscaping and green roofs, to maximise their benefit to invertebrates.
- 22.5 Significantly from a biodiversity perspective, the proposals also include a green roof (260sqm) would be provided above the entrance atrium space and comprise a vibrant mixture of wildflowers, sedum, herbs and perennials designed to be attractive to pollinators and promote biodiversity. It is recommended that this is secured by way of a planning condition.
- 22.6 Given comments made by London City Airport during the EIA Scoping stage, the proposed soft landscaping has been designed to not dissuade large concentrations of birds. The applicant claims that this, coupled with the height of the proposed buildings means that bird boxes for swifts or peregrine falcons would not be practicable. However, the applicant is willing to consider the practicality of incorporating bat boxes and it is recommended that a planning condition requires a Habitat Management Plan to be submitted to and approved by the Council.
- 22.7 A local resident has raised concern that construction works could affect wildlife in the Dock and Thames and disrupt the local angling community. The recommended condition securing a Construction Environment Management Plan should mitigate potential impacts on the aquatic habitat by reducing noise disturbance, water run-off and dust.

## **23.0 Telecommunications**

- 23.1 The BBC asks that before any decision is made, the applicant undertakes a suitable survey by a professional body to identify the potential impact on the reception of television and services and that a planning obligation secures funding for the rectification of any adverse impact.



- 23.2 The applicant scoped out telecommunications from the EIA on the basis that the proposals would be unlikely to have significant effects on telecommunications. It did, however, commission an appraisal of various telecommunications systems. This concluded that most services, including Digital Terrestrial Television (DDT) (or 'Freeview) and Docklands Light Railway radios would not be affected by the proposals but acknowledged that they could have an impact on fixed microwave links and other point-to-point radio communications channels and possibly on any satellite signal receiver dishes on the Britannia Hotel.
- 23.3 It is recommended that a planning obligation requires more detailed surveys of DDT services, fixed microwave links/other point to-point channels and satellite signal receivers in the area surrounding the site and to undertake any necessary mitigation.

#### **24.0 London City Airport Safeguarding**

- 24.1 The application site is located within the London City Airport Safeguarding Zone. However, the maximum height of the proposed buildings including plant (188.4mAOD) and operating height of temporary crange (210m AOD) would be below the tallest building in the cluster (No. 1 Canada Square, at approx. 245m AOD) and the proposal includes a tall building.
- 24.2 The proposed trees and other soft landscaping is unlikely to be attractive for birds and thus pose a bird strike hazard risk to aircraft using London City Airport (LCA).
- 24.3 LCA has made no comments on the proposals, although it is understood that the applicant liaised with the Airport at EIA Scoping Stage. The National Air Traffic Services Ltd (NATS) has raised no objections, stating that the proposals do not conflict with safeguarding criteria. It is recommended that planning conditions ensure that relevant maximum crange heights are observed and safety lighting is installed.

#### **25.0 Health Considerations**

- 25.1 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 25.2 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 25.3 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
- Providing high-quality walking and cycling routes.
- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

25.4 The application proposes child play and communal and private amenity space that meets the quantitative and qualitative policy requirements, together with publicly accessible pedestrian routes through the site and along the dock edge and approximately 1,320sqm of publicly accessible open space. These spaces would provide opportunity for play and physical exercise. The applicant is also proposing to install outdoor gym equipment in the publicly accessible open space. This would make a positive contribution to encouraging people to adopt healthy lifestyles and if permission is granted, the details and provision of this equipment could be secured by condition.

25.5 The proposal would provide limited car parking and generous cycle parking in accordance policy, together with an on-site gym and swimming pool for residents use only.

25.6 In conclusion, officers consider that the proposal would represent a healthy urban development.

## **26.0 Planning Obligations and CIL**

### Policy and guidance

26.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

26.2 The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and,
- (c) Are fairly and reasonably related in scale and kind to the development.

26.3 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

- 26.4 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 26.5 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
- Affordable Housing
  - Employment, Skills, Training and Enterprise
  - Community Facilities
  - Education
- 26.6 The Borough's other priorities include:
- Public Realm
  - Health
  - Sustainable Transport
  - Environmental Sustainability

#### Financial Contributions

- 26.7 The application is supported by a financial appraisal submitted by the applicant. This has been through various iterations during the course of negotiations and has been independently assessed on behalf of the Council. The proposed proportion of on-site affordable housing has been secured at 25% (by habitable room) with an additional payment of £268,639 towards further Affordable Housing off-site, as discussed in detail in Section 13. The impact this has on the financial viability and deliverability of the proposals has been taken into account when determining financial contributions that are required to mitigate likely adverse impacts associated with the proposed development.
- 26.8 The process of identifying financial contributions towards mitigation is complicated by the fact that the Council received financial contributions via a s.106 Agreement to mitigate impacts associated with the part-implemented office scheme (PA/07/00347). These contributions were made before the Council adopted the Planning Obligations SPD in January 2012 and were based largely on the Millennium Quarter Planning Contributions Framework. Council records show that in June and July 2007 it received £5,871,372 as a Millennium Quarter Contribution and an additional £50,000 Public Art Contribution in relation to Permission PA/07/00347. The £50,000 Public Art Contribution remains unspent. The Millennium Quarter Contribution was pooled with contributions secured from other developments in the area and was fully spent in 2007/08 on a variety of Transport, Public Realm and Open Space, Community and Social projects and Project Team costs.

26.9 The above contributions were received to mitigate the predicted adverse impacts associated with the consented office scheme and, in relation to the Public Art Contribution, to secure policy objectives. Whilst construction of the consented office scheme started, the impacts associated with the development such as additional demand for public transport have not materialised. In February 2013, the Council's Planning Contributions Overview Panel (PCOP) took the view that it would be unreasonable not to take account of the financial contributions that have already been paid to mitigate impacts that have not materialised, but recognised the need to mitigate additional housing-specific impacts. It also agreed that, on the condition that public art is embedded as an integral part of the development, the unspent Public Art Contribution should be re-allocated to help mitigate predicted adverse impacts. It is recommended that this is allowed for by way of a deed of variation to the s.106 Agreement in relation to the earlier permission for the site (PA/07/00347).

26.10 The financial contributions received in relation to the part implemented office scheme were to mitigate impacts associated with that scheme. Whilst contributions have been pooled with contributions secured in relation to other permitted schemes in the area and spent on projects that would help mitigate some of the impacts of the currently proposed housing scheme (most notably transport, public realm, open space, Idea Stores and training) there are additional important mitigation requirements associated with housing that would remain unfunded. These specifically relate to additional demand for leisure facilities, school places, health facilities and play space. Following discussions, the applicant has agreed to make the additional financial contributions to help fund these facilities based on the requirements of the Planning Obligations SPD:

- Leisure - £706,436;
- Primary School Places - £795,229;
- Secondary School Places - £571,189;
- Health (capital contributions only) - £894,860; and
- Off-site play space - £47,478.

26.11 In addition, as discussed in Section 19 of this report, policy requirements in relation to expected savings in carbon dioxide emissions have increased from 35% to 50%, requiring a financial contribution to make good the shortfall by funding appropriate off-site sustainability projects. Depending on whether ground source cooling on-site is used to secure additional carbon savings, this amounts to between £241,700 and £302,400.

26.12 The GLA Stage 1 Report incorporates earlier comments made by TfL and request financial contributions towards bus services (£475,000), real time information boards (£40,000), Legible London signage (£15,000), unspecified amount towards implementing the findings of a Pedestrian Environment Review System (PERS) audit and £83,419

towards Crossrail as a credit towards the Crossrail CIL requirement (N.B. revisions to the scheme since the GLA Stage 1 Report, including a reduction in the amount of proposed Retail A1-A4 floorspace, means that this figure has reduced to £73,066). Council records show that a significant proportion of the financial contributions secured in relation to the part-implemented office scheme on the site were pooled with contributions from other permitted schemes and spent on TfL transport related projects (including the movement and increase in capacity of South Quays DLR Station). Given this, officers consider that it would be unreasonable to require additional financial contributions towards transport related matters, other than the Crossrail planning obligation contribution (which would act as a credit towards what the applicant estimates to be a Crossrail CIL liability of £1,964,130).

- 26.13 Given the above, the financial contributions to mitigate likely adverse impacts associated with the proposed development can be summarised as follows:
- a. £5,921,372 already received in relation to the part implemented office scheme;
  - b. £3,015,192 additional contribution in relation to Leisure, School Places, Health and Play Space;
  - c. £268,639 towards off-site Affordable Housing
  - d. £73,066 Crossrail contribution (which will be credited towards any Crossrail CIL);
  - e. Between £241,700 and £302,400 additional contribution in relation to carbon off-setting;
  - f. Between £71,972 and £73,186 monitoring costs in relation to b,c and d above
- Total between £9,591,941 and £9,653,855

- 26.14 Officers are satisfied that, following independent assessment, the proposed affordable housing and financial contributions have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development Document and Planning Obligations SPD (2012).

#### Non-financial Obligations

- 26.15 In addition to the financial contributions identified above, it is recommended that planning obligations be used to secure the delivery of a number of non-financial matters where it is not appropriate to secure them by way of planning condition. These are set out as follows:
- a) Minimum of 25% Affordable Housing which equates to 455 habitable rooms on the Arrowhead Quay site as follows:
    - i. 71% Affordable Rent (324 habitable rooms)
    - ii. 29% Intermediate Shared Ownership (131 habitable rooms)
  - b) Development viability review clause to identify and secure any uplift of Affordable Housing if the development has not been implemented within 24 months from the grant of permission (with

the definition of 'implementation' to be agreed as part of s.106 negotiations).

- c) Appropriate triggers to manage the delivery of Affordable Housing relative to the delivery of Private housing (to be agreed as part of s.106 negotiations)
- d) On-street Parking Permit-free development (other than 'Blue Badge' holders and those residents that wish to exercise their rights under the Council's parking Permit Transfer Scheme)
- e) Travel Plan
- f) Details of basement cycle storage provision dependent on demand (2 alternative types and levels of provision allowed for in approved drawings)
- g) 20 Apprenticeships over the full construction phase
- h) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- i) 24 Hours public access to specified parts of site (Dock edge, western route and publicly accessible open space, eastern route, southern drop-off area and to ground floor lobby area during daylight hours). Day-time only access to the building lobby area. Public access to the 'sky garden' in the East Tower annually during the 'Open House Weekend'.
- j) Telecommunications - more detailed surveys of DDT services, fixed microwave links/other point-to-point channels and satellite signal receivers in the area surrounding the site and any necessary mitigation.
- k) Deed of variation to s.106 Agreement in relation to Permission PA/07/00347 to allow £50,000 previously allocated for Public Art to be used for other purposes.

## **27.0 Other Financial Considerations**

### Localism Act (amendment to S70(2) of the TCPA 1990)

27.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,

- Any other material consideration.

27.2 Section 70(4) defines “local finance consideration” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

27.3 In this context “grants” might include New Homes Bonus.

27.4 These are material planning considerations when determining planning applications or planning appeals.

27.5 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. .

27.6 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL contribution would be £1,964,130.

27.7 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

27.8 Using the DCLG’s New Homes Bonus Calculator, this development, if approved, would generate in the region of £711,554 in the first year and a total payment of £,4269,323over 6 years.

## **28.0 Human Rights Considerations**

28.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

28.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

28.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

28.4 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.

28.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

28.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

28.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

28.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

## **29.0 Equalities Act Considerations**

29.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the



exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

29.2 The proposals are based on the principles of inclusive design and officers have secured revisions to improve the inclusive nature of the scheme. Crime and fear of crime can be a particular concern to women and the LGBT community and full attention has been given to ensuring a safe environment.

### **30.0 Conclusion**

30.1 The proposed development would form an integral part of the Millennium Quarter allocation to deliver the objectives of the Core Strategy. It would provide much needed housing, including the maximum reasonable amount of affordable housing, in a high quality, well designed, mixed use development. The proposals comply with the Development Plan, National, Regional and local policies and would include appropriate contributions to local facilities and infrastructure to mitigate the impact of development.

30.2 All other relevant policies and material considerations have been taken into account. Planning permission should be GRANTED subject to details set out in the RECOMMENDATION in Section 3 of this report.

**Planning Application Site Map**  
**PA/14/01887**



- Planning Application Site Boundary
- Locally Listed Buildings
- Land Parcel Address
- Consultation Area
- Statutory Listed Buildings
- 0 20 m

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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